

FREE SPEECH WILL SAVE OUR DEMOCRACY



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The First Amendment in the age of disinformation. By Emily Bazelon

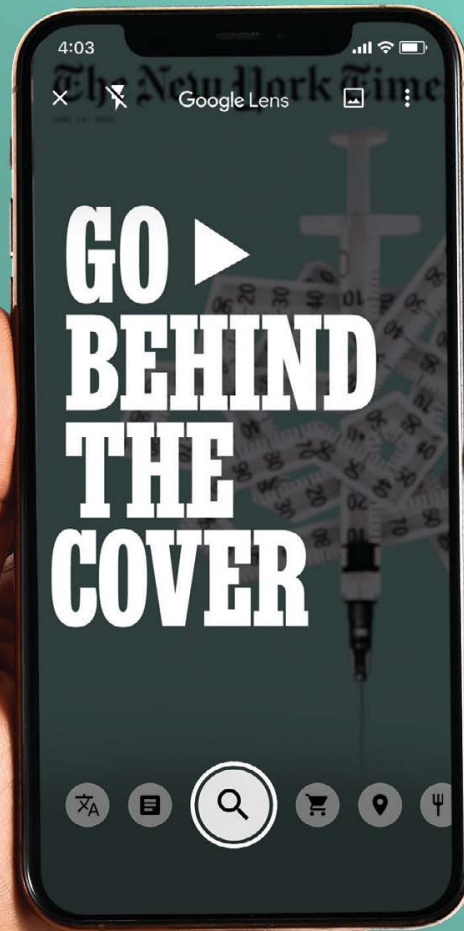
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The New York Times Magazine

JUNE 14, 2020

THE TECH & DESIGN ISSUE



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The New York Times Magazine

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The New York Times Magazine

October 18, 2020

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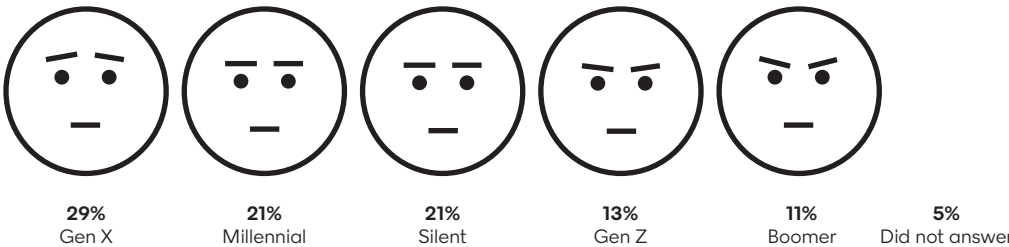
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Behind the Cover *Gail Bichler, creative director: "This week's cover story, by Emily Bazelon, is about the growing tensions between the absolutist approach to freedom of speech that prevails in the United States and the country's serious problem with disinformation. We juxtaposed a statement of faith in American free-speech absolutism with a fact-checking label akin to those regularly used by companies like Facebook, YouTube and Twitter to call it into question."*

Wesley Morris	<i>"My Mustache,"</i> Page 20	Wesley Morris is a staff writer for the magazine, a critic at large for The New York Times and co-host of the podcast "Still Processing." In this issue, he writes about the unexpected personal places his quarantine mustache has taken him. "My friend Brian and I thought it would be fun to see what we looked like with one," Morris says. "I decided to keep mine. And the longer I've worn it, the more attached to it I've become, and the Blacker it's made me feel. I've got to laugh, though. A few years ago, I wrote an essay about my penis for the magazine, but I feel more exposed putting the mustache into the world. For one thing, nobody wanted to take my picture for the other essay."
Emily Bazelon	<i>"Freedom of Speech Will Preserve Our Democracy,"</i> Page 26	Emily Bazelon is a staff writer for the magazine and the Truman Capote fellow for creative writing and law at Yale Law School. Her book "Charged" won the Los Angeles Times Book Prize in the current-interest category and the Silver Gavel book award from the American Bar Association.
Matthew Desmond	<i>"Evicting the Landlord,"</i> Page 32	Matthew Desmond is a professor of sociology at Princeton University and a contributing writer for the magazine. He previously wrote a feature about the American welfare state.
Tejal Rao	<i>Eat,</i> Page 18	Tejal Rao is an Eat columnist for the magazine and the California restaurant critic for The Times. She has won two James Beard Foundation awards for restaurant criticism and a Vilcek Foundation Prize for her reporting.
Jason Zengerle	<i>Screenland,</i> Page 7	Jason Zengerle is a writer at large for the magazine. He last wrote about Treasury Secretary Steven Mnuchin.

Dear Reader: Which Generation, Besides Your Own, Is the Most Tolerable?

The magazine publishes the results of a study conducted online in March 2020 by The New York Times's research-and-analytics department, reflecting the opinions of 2,250 subscribers who chose to participate.



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Readers respond to the 10.4.20 issue.

RE: THE BUBBLE

Sam Anderson reported from inside the N.B.A.'s bubble in Walt Disney World.



What strong writing and moving observations. Thanks, Mr. Anderson. I, too, have been riveted by the games, and buoyed by the players and coaches taking a leadership role (ceded by our incompetent political leaders) and letting their voices be heard — intelligent, impassioned, pained voices filled with honest empathy and emotion, loud and clear. To me, it seems as if they have taken that leadership role to every phase of the game itself. As someone lucky enough to see the players, on rare occasions, close up, their athleticism continues to astound me, yet they seem to be rising to new levels of intensity. Mr. Anderson, write another wrapping up the playoffs, and the feeling you get leaving the bubble and re-entering the “real” world. Thanks for this gift of an article. My only complaint is that it ended too soon!

Geoff Cohen, Brooklyn, N.Y.

I love basketball. My husband and I, both in our 60s, still head out to shoot baskets in our driveway from time to time, and our adult sons play frequently at playgrounds and at the Y — or did, until Covid interfered. I have been so thrilled with the success of the bubble: incredible displays of skill, tremendous sportsmanship, truly exciting games. And I love the way the players have combined their talent and hard work with their commitment to what matters outside the bubble. This article is spectacular. It makes me see the bubble even more clearly — and I deeply appreciate

you, Sam Anderson, for being able to absorb it all and report back to the many fans cheering at home!

Nancy

I am not a sports fan. At all. But I was lured by curiosity from the headline and was surprised to find myself choked up several times through the article as the writer so deftly described the emotions and surrealism of this strange Covid world we all have been inhabiting. Bravo! This article is a slam dunk!

Melissa, Des Moines

Thank you for the beautiful piece on the N.B.A. bubble and the triumph of the game over adversity. These men play for pride and a love of the game. I played for 50 years until I was 60 and hip arthritis forced an end to my career. Living in my own pandemic bubble at the age of 71, practicing law from my dining-room table, I decided one day to go out and shoot some hoops. I loved it! The meditative joy of hearing the *swish* of string music once again was intoxicating. I go out now every week or so, escaping my bubble to relive old memories of the game I loved.

Seth Kirschenbaum, Atlanta

This is the most beautiful piece of writing I've encountered during the time of Covid. It made me weep, made me see sports in a new way, see what fierceness and grace and compassion we are capable of when we come together in a bubble carefully crafted for safety and respect, a bubble where there are clear rules and where the players abide by the rules. The contrast between this bubble and the bubble our president and Republicans blow up every day and offer us, is



THE STORY, ON INSTAGRAM

So good, both the article and the cover.
@francesca.mari

striking, sad and also makes me weep.

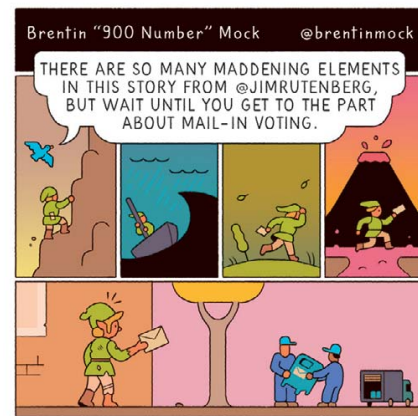
Kathleen, Freeport, Maine

I wasn't going to read this, but I'm a math guy, and I live in Blazers country, so when I read the “20, 23, 7, 8” line, I got suckered into reading the whole thing. Then I read some of it to my wife, who grew up in Providence, R.I., back when the Friars were playing at the P.C. gym and she and her physician father, who also loved the game, could mingle with the players afterward. With all the bad news in 2020 and all the times I say that sports aren't important now, you helped remind me that anything done well matters. And it reminded me of the day on a playground 30 years ago when I sunk 20 free throws in a row. Yeah, sports still matter. Wonderful job.

Mike S., Eugene, Ore.

RE: THE ATTACK ON VOTING

Jim Rutenberg reported on the concerted disinformation campaign to propagate the myth of voter fraud.



Jim Rutenberg's jarring, well-researched cover story about the threat to our voting rights slams home the clear and present danger each citizen faces as a result of a relentless, ongoing and well-planned assault at every level by one of this country's two major political parties. While disturbing to read, Rutenberg's article is a much needed wake-up call, a warning that, as he concludes, we now have a president using “the full force of the United States government ... to maintain his own grip on power.”

Greg Joseph, Sun City, Ariz.

Send your thoughts to magazine@nytimes.com.

JONAH MARKOWITZ FOR THE NEW YORK TIMES



What to see.
What to hear.
How to choose.
Who can help.
Where to turn.
How to connect.
What to say.
How to understand.



RYAN CHRISTOPHER JONES FOR THE NEW YORK TIMES



CHRIS MAGGIO FOR THE NEW YORK TIMES



MATTHEW ABBOTT FOR THE NEW YORK TIMES

The truth is essential.

Ahead of the election, Times journalism can help us understand the issues, candidates and political divisions playing out across the country — and what it means for you, your family and the nation. Thank you for supporting independent journalism from The New York Times.

The New York Times

Game Over



This year has abandoned some of the usual rituals of a presidential election — and flummoxed the journalists who insist they matter. ● By Jason Zengerle ● “I miss you guys,” John Heilemann says. He is sitting in the desolate courtyard of a Brooklyn pizzeria with three slices on his table, talking by phone with the other hosts of Showtime’s weekly political documentary “The Circus.” In a normal election year, Heilemann,



Mark McKinnon, Jennifer Palmieri and Alex Wagner would be together in some swing state, just back from a campaign rally, hanging out in a dimly lit restaurant and dissecting each candidate's strategy over a meal and some booze. But the pandemic has all but erased that campaign trail, and so the group is meeting virtually: Heilemann from the pizza parlor, McKinnon from an empty Denver brewpub, Palmieri from a Hudson Valley coffee shop and Wagner from a goat farm. "It sucks not to be having a round-table with the round-tablers," Heilemann laments.

Still, the show must go on — and so the team dives in. It's August, and Joe Biden is days away from choosing his running mate, a decision McKinnon predicts will be "tectonic." Biden has pledged to

pick a woman, but Wagner notes that the previous two female picks — Geraldine Ferraro and Sarah Palin — were "Hail Mary" selections by trailing candidates. "This could play badly for Biden," she warns. When Biden chooses Kamala Harris, Heilemann heads to a mostly empty Delaware high school gym for the ticket's first joint appearance. "This has been a flawlessly executed and, in most respects, totally normal vice-presidential rollout," he concludes, "until this event. There's no applause. There's no energy in the room." McKinnon travels to Iowa for a Trump rally, where Mike Pence tells the crowd that Harris once supported dietary guidelines that would reduce Americans' consumption of red meat. ("We're not gonna let Joe Biden and Kamala Harris cut America's meat!")

By early October, the pressing questions for reporters didn't involve the results of polls, but of Covid and blood-oxygen tests.

"That," McKinnon sagely notes, "is a little preview there of the attacks."

Two months later, the optics and stage-managing of the Harris selection are forgotten, but the 30 minutes "The Circus" spent obsessing over them serve as a useful reminder of how political reporters have tried, and often failed, to craft conventional narratives out of this decidedly unconventional election. The race has featured, in just the past few weeks, Donald Trump's taped remarks to Bob Woodward (admitting he downplayed the seriousness of the pandemic), the death of Ruth Bader Ginsburg, the revelation of Trump's income taxes and Trump's becoming infected with the virus. By early October, the pressing questions for reporters didn't involve the results of polls, but of Covid and blood-oxygen tests. The standard



models of campaign reporting didn't seem up to the task of explaining the race. And nowhere is that more evident than in a show like "The Circus."

The Showtime series premiered during the 2016 campaign. It was originally hosted by McKinnon, Heilemann and Mark Halperin, following on the success of Heilemann's and Halperin's books about the previous two presidential elections, "Game Change" and "Double Down." Halperin, who in 2017 was accused of sexual misconduct, has been disappeared from the show, but "The Circus" still shares the approach and the ethos of those books.

For one, there's the obsession with food. The acknowledgments in "Double Down" thanked more than 20 chefs and restaurateurs — Batali, Chang, Meyer — who "attended magnificently to our

corporeal sustenance." On "The Circus," a typical prepandemic episode began with gorgeous, slow-motion shots of scallops being sautéed or chicken being deep-fried, before cutting to the team talking politics at their table. "Did they catch all the seafood in the ocean?" McKinnon marveled as waiters in Portsmouth, N.H., delivered an obscenely tall shellfish tower. "The Circus" has tried to keep up this prandial tradition in pandemic times, but the results feel awkward. Heilemann eats and talks in an eerily empty Gramercy Tavern. A waiter nervously asks Wagner, "You're eating by yourself, right?" When Palmieri checks in from a pub in Kenosha, Wis., she reports that "It's grim" — she's talking about the city's mood, but she could easily be summing up her wan plate of fried seafood.

Share of registered voters who told Pew Research Center pollsters it really matters who wins the presidency: 83 percent, the highest in the poll's two decades of asking.

The most fundamental similarity between "The Circus" and those books, though, is their cynical treatment of politics as a game, one played by savvy operators who manipulate the public into voting the way they want. Elections, in this view, are won and lost by campaign strategists, who use the news cycle to build narratives that benefit their candidates or, more likely, hurt their opponents. Political reporters, wise to the strategists' tricks, reinforce or reject their efforts. And it is the resulting media moments — like Sarah Palin's disastrous "60 Minutes" interview in 2008, or Mitt Romney's 47-percent video in 2012 — that decide elections.

But in a 2020 race devoid of such theater, the backstage maneuvering doesn't feel terribly consequential. One

campaign's strategy is to keep the candidate largely hidden away, for public health (but also political) reasons. The other's chief strategist is the candidate himself, who constantly broadcasts his thoughts and intentions on Twitter and Fox News.

Granted, the strategists still believe they are pulling the strings. The Trump adviser Kellyanne Conway, talking to Palmieri, lapses into the third person: "When the history books are written and they say Kellyanne was the first woman in history to successfully manage a U.S. presidential campaign ..." — as if her role in the 2016 race will merit even a footnote. When Heilemann marvels to Kate Bedingfield, Biden's communications director, "Who knew that the basement strategy would be a winning strategy?" she replies, "Well, we did, John."

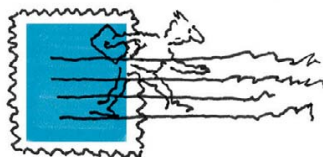
The journalists, though, seem to glean that their roles have been diminished. "The Circus" used to depict its hosts as insiders at the center of the action: Its signature look, reminiscent of a third-person shooter video game, had them filmed from behind as they wove through the crowded halls of Congress or a civic-center campaign rally. Now Heilemann is seen from a distance, wandering forlornly through a parking lot at a "drive-in" Biden rally, or standing outside the candidate's house, telling the camera that "down at the end of that driveway, Joe Biden's making history."

The subtitle of "The Circus" is "Inside the Craziest Political Campaign on Earth." But this campaign is not crazy in the way political reporters are accustomed to. They are not crisscrossing the country, chasing candidates who tell huge crowds this is the most important election of their lifetimes. There's little travel, fewer expense-account meals and none of the usual silliness on which a certain genre of political reporting depends. And yet voters don't appear to need narratives or optics or even debates to care about the race; interest in the election is so great that experts are predicting the largest turnout since 1908. The news is too saturated with *actual* momentous happenings for manufactured momentousness to create much of an impression. That makes the traditional narrative chess match of strategists and journalists seem not only irrelevant but juvenile. Voters know in their bones how important this election is. They won't be distracted by bread — or shellfish towers — and circuses. ♦

Heilemann is seen from a distance, wandering forlornly through a parking lot at a 'drive-in' Biden rally, or standing outside the candidate's house.

Poem Selected by Naomi Shihab Nye

Is anyone more devoted to the Postal Service than the tribe of poets who started their lives sending poems out through the mail and then spent their time awaiting the return of self-addressed stamped envelopes? We praise boxes with red flags, tiny mail keys in apartments, anticipation of arrivals and our trusty post-people. In this haunting Ted Kooser poem, from his 15th collection of poems, "Red Stilts," the recipient dances gently with the message he has received. A wide world grows intimate again, through one reaching-out voice. Though being connected is so much easier now than it used to be, the necessity and diligence of the national Postal Service deserves nothing but gratitude.



A Letter From Never Before

by Ted Kooser

It arrived with the rest of the mail
in our box by the road, came
bearing a standard Forever stamp,

a little American flag, and the letter
handwritten in pencil. "You don't
know me," it opened. "Never before

have I written to you ..." It had a quaint
syntax, its rhythm like that of
a waltz that was ever so gracefully

taking me into its arms. It had no
past to offer, only the present, as if
everything started from there,

with that Never Before, and this
on such an ordinary day, a few clouds,
birds flying high in the clouds,

then this, a few words of thanks,
carefully chosen and shaped
with a No. 2 pencil, which I knew

had been recently sharpened,
all this from a stranger, setting out
for Forever from Never Before.

Naomi Shihab Nye is the Young People's Poet Laureate of the Poetry Foundation in Chicago. Her most recent book is "Everything Comes Next," from Greenwillow Books (2020). **Ted Kooser's** new book is "Red Stilts," from Copper Canyon Press (2020). A resident of rural Nebraska, Kooser was the U.S. Poet Laureate from 2004-6, won the Pulitzer Prize for "Delights & Shadows" and founded *American Life in Poetry*, a weekly column reaching 4.6 million readers in print and online.

Don DeLillo on Pynchon, paranoia and the pandemic. 'It's going to be difficult to return to what we might term as ordinary.'



A permeating paranoia. Profound absurdity. Conspiracy and terrorism. Technological alienation. Violence bubbling, ready to boil. This has long been the stuff of Don DeLillo's masterly fiction. It's now the air we breathe. For nearly 50 years and across 17 novels, among them classics like "White Noise," "Libra" and "Underworld," DeLillo, who is 83, has summoned the darker currents of the American experience with maximum precision and uncanny imagination. His enduring sensitivity to the zeitgeist is such that words like "prophetic" and "oracular" figure frequently in discussion of his work. They will very likely figure again in regards to his new novel, "The Silence," in which a mysterious event on Super Bowl Sunday 2022 causes screens everywhere to go blank. "The way our culture moves along changes the way all of us think," DeLillo said. "I don't think it's a question of better or worse. It's simply inevitable."

Let me ask about something that's *not* in "The Silence," at least not anymore. In the first galley copy I read, there's a scene in which a character is reciting disastrous events and mentions Covid-19. Then I was told there were changes to the book and was sent a second galley. Covid-19 was gone. Why did you take it out? I didn't put Covid-19 in there. Somebody else had. Somebody else could have decided that it made it more contemporary. But I said, "There's no reason for that."

I'm shocked that an editor or whoever had the chutzpah to jam anything, let alone a Covid-19 mention, into one of your books. It wasn't going to stay, that's for sure.

Still, "The Silence" feels attuned to current anxieties. What planted the seed? What got me going was the idea of a blank screen. It led everything. Then there was the notion of the Super Bowl, which has been in the back of my mind for some years. Watching the football game joins us together in one aspect, and then looking at a blank screen suddenly is a kind of cataclysmic footnote. There was also a flight I was on between Paris and New York, and for somewhat mysterious reasons, I made notes. There was a screen under the overhead bin. So I watched the screen, and there was information there like outside air temperature, time in New York, arrival time, speed, etc. I wasn't accustomed to this.

You don't use smartphones and computers, right? Very little. I'm more

comfortable with an old telephone. I'm speaking to you on an old landline, and this is what I like to do. It makes me feel normal. **Do you often feel abnormal?** [Laughs.] I don't. Maybe subnormal.

Your fiction, inasmuch as it's about any one particular thing, is about what makes us uncomfortable. So I'm curious:

What gives you comfort? Writing gives me comfort. Trying to understand can be somewhat self-enlightening, maybe in a self-deceptive way, but that's helpful. My personal question is, Will I keep writing fiction? The answer is that I'm just going to see what happens. It's possible that I'll try to think about arranging a volume of my nonfiction work. I don't know.

After 50 years of thinking and writing, do you feel as if you have a firm understanding of this American society that in so many ways flummoxes the rest of us? I think I've remained open to whatever happens around us and as confused as other people become by what happens around us. I don't think that the work I've done gives me any great, deep perception about what's going on. I mean, I couldn't discuss with you on a certain level of intelligence the current presidential campaigns.

Nor presumably would you want to. You're right. Will I be looking at the presidential debate? I may be watching baseball.

Below: Don DeLillo in 1991. "My personal question is, Will I keep writing fiction?" DeLillo says.

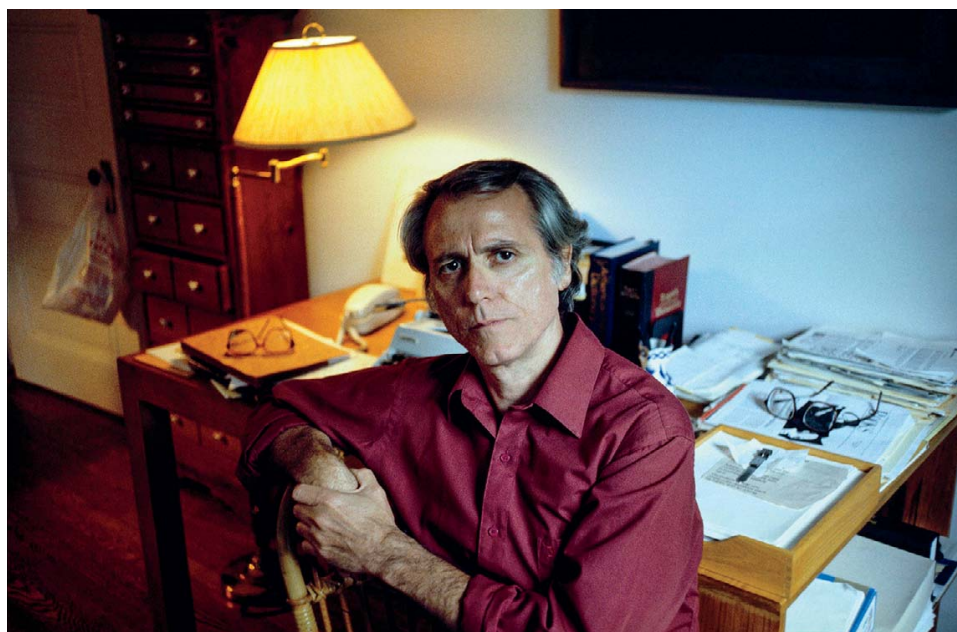
"The answer is that I'm just going to see what happens."

David Marchese
is the magazine's
Talk columnist.

Have you been watching the games played in empty stadiums? I've watched some. The empty seats are astonishing. I much prefer the empty seats to other stadiums where they have fake faces in the stands. I think that's a desecration of baseball. The empty seats, they're satisfying in a curious way. The simple, traditional game of baseball is almost elevated to an element of art by the lack of people in the stands. It's all very stylized. I notice things I haven't usually noticed. People keep hitting foul balls. More than ever, it seems. Foul balls. Foul balls. Three-and-two count, foul ball — almost inevitably on a three-and-two count. The oddness of it all. Hitting a home run to empty stands. Yeah, it becomes a form of art in a way.

If you have written your last novel, which as you suggested remains an open question, how do you feel about what you've accomplished? I never expected my first novel to be published, and it was published by the first publisher to look at it. Ever since then I've felt lucky.

I understand your gratitude at being able to make a living as a writer, but from a self-critical perspective, have you done what you set out to do? I could have done better perhaps in the 1970s and, to a lesser extent, since then. But at the time I thought I was doing as well as I could. In retrospect, certain novels probably could



have been better. Can I possibly say that I should have resisted the urge to get going on such novels?

Which ones? Should I really say?

Only if you want to. “Amazons”¹ aside, of course. [Laughs.] Maybe I could have done better with “The Body Artist”; “Point Omega.” There are enthusiastic responses to these books, particularly “Point Omega,” but when I was working, I don’t think I totally reached the level of enthusiasm that I usually do. But I kept on going.

Is “The Silence” intended at all as a kind of career summary? I ask because it calls to mind a bunch of your other books. Like “Players,” it begins in an airplane. The Super Bowl is a football connection to “End Zone.” There’s a cataclysmic event as in “White Noise.” There’s even a back-and-forth in which two characters try to remember details about the scientist Celsius, which is close to a back-and-forth in your short story “Midnight in Dostoevsky,” where people try to remember something about Celsius. Is that all a coincidence? I don’t think in terms of connection between books. Except perhaps that the assassination of President Kennedy mysteriously turns up in a roundabout way at the end of my first novel, “Americana.” The character drives his car along the motorcade route that President Kennedy took. Then years later I decided it might be interesting to write a novel based on the assassination of President Kennedy. This was a major decision, and it required me to do an enormous amount of research. Curiously enough I ended up in the Bronx, where I was born and grew up, because I learned that Lee Oswald had spent a year in the Bronx with his mother, living within walking distance of where I lived. I went to visit his old neighborhood. Maybe that is what got me started on “Libra.” I decided to name the novel after his birth sign. I was hoping it was Scorpio, because I liked that word. But his birth sign turned out to be Libra, the scales. I settled for that.

You know who else shows up in two of your books? Murray Jay Siskind. Both times described as having an “Amish” beard. Murray Jay! Remind me, what book is he in?

“White Noise.” And where else?

“Amazons.” Oh god. How do you remember that? I don’t remember that.

I think I just got a scoop. I don’t know if you’ve ever publicly acknowledged that you wrote “Amazons.” I probably did,

1 Credited to Cleo Birdwell — believed to be a pseudonym for DeLillo and his co-writer, Sue Buck — and published in 1980, “Amazons” tells the randy story of the first woman to play in the N.H.L.

2 Revisiting the assassination for Rolling Stone in 1983, DeLillo wrote, “What has become unraveled since that afternoon in Dallas is not the plot, of course, not the dense mass of characters and events, but the sense of a coherent reality most of us shared.”

3 In his Harper’s Magazine essay “In the Ruins of the Future,” published in the wake of the terrorist attacks, DeLillo wrote: “Today, again, the world narrative belongs to terrorists. ... Our world, parts of our world, have crumbled into theirs, which means we are living in a place of danger and rage.”

4 DeLillo’s intricately structured semi-sci-fi romp from 1976, featuring characters with Pynchon-esque names like U.F.O. Schwarz and Bhang Pao.

5 Mr. Pynchon, if you’re reading this, I would love to talk with you.

6 In the spareness of its style, its concern with death and blend of wisdom and melancholy, DeLillo’s 2016 novel about a billionaire’s attempts to stave off death seems to fit the characteristics of “late style” often associated with artists in old age.

7 The Boston Red Sox great’s head was frozen in a cryonics facility in Arizona.

somewhere or other. [Laughs.] Maybe to an interviewer from Thailand.

Let me get back to themes from your work: paranoia, conspiracy, information overload. None of these things have become any less potent, which is part of what accounts for the prophetic qualities people see in your books. What do you take from seeing your themes continue to play out in the world with such force?

Well, I thought of the entire set of decades after the Kennedy assassination as the age of paranoia. For people of my age or perhaps a little younger, this is what overtook the entire culture. People were paranoid about everything, and suddenly there were all the books, the studies of the assassination. I have an entire library shelf, including the 26 volumes of the Warren Report, half of which I read fairly thoroughly when I was working on “Libra.” It consumed the culture. That’s not an exaggeration. After 11/22/63, everybody began to think in terms of paranoia. Then it was gone.

You think the culture has *not* become more paranoid? We could say that there was a conspiratorial element in the current situation in the pandemic, but I’m not sure how seriously the commentators and students of this era take it. Otherwise, I think that sense of conspiracy is less prevalent now than it used to be.

There’s this idea that every era has what the cultural critic Raymond Williams called a structure of feeling, which is basically the way that people experience the times in which they live. And in the past you’ve written about how J.F.K.’s assassination² and 9/11³ fundamentally altered our understanding of the world. Will the pandemic change *our* structure of feeling? Absolutely. The question is how will it change? When we are finally able to live, so to speak, normally again, which is probably a long way off, how will we think back upon the pandemic? Are we going to continue to be affected by it? I think we have to be in some way. We may feel enormous relief, but for many people, it’s going to be difficult to return to what we might term as ordinary. I don’t know how that’s going to feel. I hope that it’s mainly a sense of rediscovered freedoms. You want to go to a movie. You want to go to a museum and eat in a restaurant. Those ordinary things are going to seem extraordinary.

You’ve been in Manhattan during the pandemic. What are your impressions of the city? If I take a walk, a street that

has four people on it will seem almost crowded. We’re supposed to be wearing masks, not everyone does, and one has to veer away from certain people. One has to be consciously aware of who’s coming toward us. Who’s behind us. As much as an individual might look forward to going out for a while, these self-imposed restrictions begin to assert themselves, and whatever pleasure one anticipated may not be experienced fully.

That sounds exactly like something from your novels. Honestly, I’m not aware of that. I’m just babbling.

Characters babble in your novels, too! See, it’s all connected! It is all connected.

I’ve obviously been reading too much Don DeLillo. Speaking of which, can I ask you a left-field “Ratner’s Star”⁴ question?

I always wondered how much Thomas Pynchon⁵ influenced that book. To me it feels stylistically closer to his work than the rest of your own. My goodness. I don’t know if I can answer that question. I was enthusiastic about the Pynchon of that period. Did it have a direct influence? It probably did have some sort of influence, but I don’t know quite how to answer that.

I have another style question: There’s an argument to be made that a book like “Zero K” embodies what might be thought of as late style.⁶ Do you see any validity in thinking about it in that way?

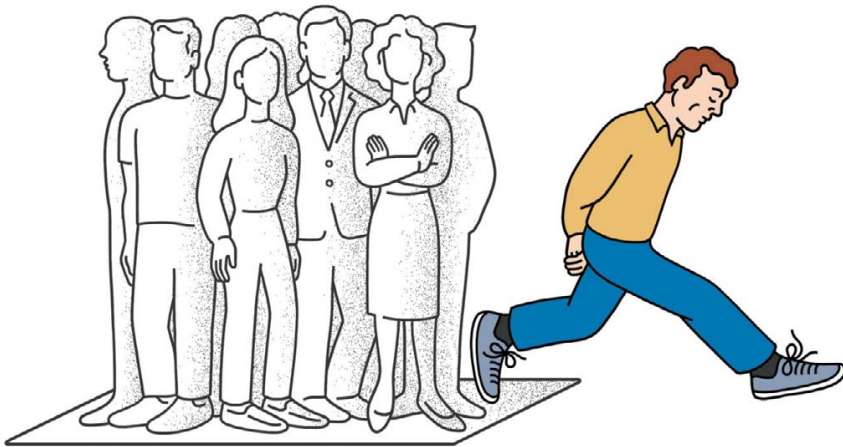
When I think of “Zero K,” to the extent that I can remember it, I think visually. One of the characters, Jeff, walking along long corridors and then the secret desert compound and the underground chamber, cryonic suspension, people hoping to resume life at some point. There are famous athletes who did that.

Ted Williams’s head was frozen.⁷ It was Ted Williams. Can people return to life? That’s the question. Again, I was thinking visually: rows of people in these pods in cryonic suspension. When I was working on “Zero K,” I was thinking that I’d actually seen such a thing, which of course I hadn’t. The other thing I remember is the odd part titles, “Part 1: In the Time of Chelyabinsk.” “Part 2: In the Time of Konstantinovka.” I did have a reason for doing that, but who the hell knows what it was.

I suspect that could be your answer to a lot of my questions. And it’d be the honest answer, believe me. ♦

This interview has been edited and condensed from clarity from two conversations.

I'm Jewish and Don't Identify As White. Why Must I Check That Box?



I realize that with everything going on in the world, this is a small issue, but it's bothered me for some time: Forms of all kinds often ask for a person's race. I strongly support affirmative action for historically disadvantaged groups. I'm Jewish, a category almost always lumped with white. I'm fair-skinned and have an Anglicized last name, which my paternal grandfather adopted on his arrival in this country. In other words, I can easily "pass" as white and am unlikely to personally suffer any anti-Semitism. Nevertheless, I bristle at being considered or listing myself as white. My father did suffer from anti-Semitism as a young man, and I have relatives who perished in the Holocaust, some in concentration camps.

I do not believe Jews in the United States need affirmative action. It's more of a moral question for me. I don't identify as white. Why should I list myself that way?

Name Withheld

Like Jacob and Esau, the racial designations "white" and "Black" were born

twins. In this country, since the colonial era, they have functioned to turn human beings from a wide range of societies on two continents into two vast assemblages. The highly diverse peoples who inhabited the Americas before either Europeans or Africans did were, in the same process, lumped together as Indians. As ideas about race as a supposedly biological category solidified through the 19th century, all three groups increasingly came to be thought of as races; and when migration from the rest of the world brought more peoples from elsewhere, they were fitted into this system, too, with certain modifications (notably when the United States decided to let in — and then keep out — workers from the Far East).

There are two big problems with the way our American race concept developed. First, the race idea presupposed that people who share ancestry, and some of the physical characteristics that go with it, are much more similar than they actually are; and correspondingly, that people of disparate ancestries are much more different from one another than they actually

are. Once grouped together in this way, people were easily regarded not as individuals with particular virtues and vices but as representatives of types.

This intellectual error was compounded by a second, moral error: The system came with commitments to racial hierarchy. Those hierarchical ideas coalesced around the idea of white supremacy, the thought that the white race was superior, not just in the sense that its members supposedly had qualities superior to those of other races but also in the sense that they were therefore entitled to better treatment. The intellectual and the moral problems compounded each other. If, like Thomas Jefferson writing in 1785, you were committed to the intellectual error, you could suspect "that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind." And if they were inferior, what could be more rational than treating them as such?

As so often, though, while making an intellectual error, Jefferson also made the key moral argument against drawing the wrong conclusion. Writing to the Abbé Grégoire in 1809, he observed that "whatever be their degree of talent, it is no measure of their rights." And he went on, "Because Sir Isaac Newton was superior to others in understanding, he was not therefore lord of the person or property of others." Jefferson saw that if you denied rights to Black people because you thought the average Black person was intellectually inferior to the average white person, you would have the same reason to deny rights to white people you thought were below average. Despite his own prejudices and participation in slavery, he grasped that that wasn't how rights should work.

Now, you might think that the trouble caused by these ideas over the long life of this republic could be made to disappear if we all stopped thinking of ourselves in racial terms. Black consciousness can be enlisted in the struggle against racism, but it wouldn't be so obviously attractive if we could get rid of racism. And white consciousness, too often, operates in the service of racism.

So I understand your impulse: There are good reasons for white people, in particular, to want to abandon whiteness. One, which you mention, involves the intellectual error. In massing together so many different experiences — including the distinct



Bonus Advice From Judge John Hodgman

When we adopted my dog, Bella, she immediately assumed my wife was the alpha. Bella dotes on my wife and ignores me, despite my many alpha-dog qualifications: 1. More upper-body strength than either of them. 2. Good with electronics. 3. I feed and walk her every morning. 4. I play-fight on all fours, so she knows I'm into it. Please order Bella to reconsider me for house alpha!

Dogs rarely read magazines, so even if I were to order in your favor, Bella would ignore it. If dogs can sense fear, I trust they can also sense neediness and find it as repulsive as humans and cats do. And although dog-dominance is not something I value, there's no way you're alpha at this point. Bella obviously lives rent-free in your head as well as your home. You'll have to earn her affection the old-fashioned way: patience, kindness and being good with electronics. You're one-third of the way there!

To submit a query: Send an email to ethicist@nytimes.com; or send mail to The Ethicist, The New York Times Magazine, 620 Eighth Avenue, New York, N.Y. 10018. (Include a daytime phone number.)

experiences of white Jews and white gentiles — the system treats unlike cases alike. The experience of anti-Semitism is one reason many Jews have a deeper sense of the harms inflicted by racism than do white people who have not been victims of it. Indeed, Jews in Eastern Europe neither identified as white nor were identified as white when they arrived at these shores in a wave of migration that began more than a century ago. Lothrop Stoddard's best-selling "The Rising Tide of Color Against White World-Supremacy" (1920) made it very clear that Jews were to be considered "Asiatic elements."

A second reason is that, because the category "white" was developed in large measure to deny social and political equality to Black people, identifying with that category seems to put you in the business of maintaining white supremacy. That is a reason based in the moral error. Many progressive scholars, mindful of this troubled history, have indeed called for white identity to be disowned or abolished.

But alas, it is not up to us as individuals to determine the meaning of our racial terms. "When I use a word," Lewis Carroll's Humpty Dumpty avowed, "it means just what I choose it to mean — neither more nor less." For him, the question was simply "which is to be master." Mr. Dumpty was right to pose the question but wrong to claim that he himself could simply choose to be master of our common language. And it's not only our language but all our social practices that we build in common. This really must be done by "we, the People." What "white" means in America isn't up to each of us to decide on our own. To change those meanings, we'd have to work together to change practices. If you don't want to be white because you repudiate white supremacy or the racialization of public life, you first have to work alongside others to unmake an unjust social order.

Although you clearly disapprove of the privilege that comes with white skin in our society, your refusing the word "white" won't increase the chance

Being white is not just a matter of identifying as white; it involves being treated as white.

that you'll be discriminated against or decrease the chance that Black people will be. Being white is not just a matter of identifying as white; it involves being treated as white, and that isn't up to you. So, however you think of yourself, your whiteness is doing work in social life.

In the current conjuncture, what's more, there's something to be said for accepting that you are, willy-nilly, white, because you can use your whiteness as an anti-racist instrument. Here's one kind of privilege that white people have in our society: When you point to acts of anti-Black racism, you're less likely than a Black person to be suspected of being hypersensitive or self-interested. You can also speak up in all-white settings when people venture anti-Black remarks. In the struggle against racism, it sometimes helps if you don't have skin in the game. ♦

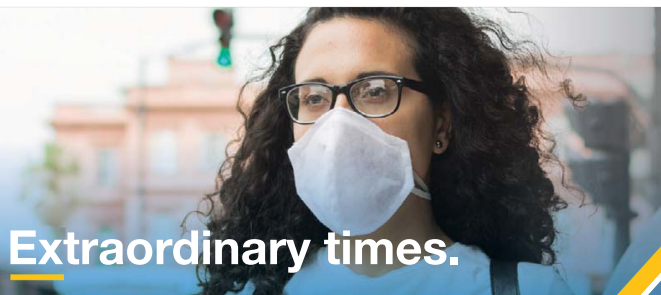
Kwame Anthony Appiah teaches philosophy at N.Y.U. His books include "Cosmopolitanism," "The Honor Code" and "The Lies That Bind: Rethinking Identity."



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After a spill, his fingernails were the purple shade of a bruise. They didn't hurt, but the color didn't go away. What was this?



"We've got to do something about your hands," the woman said to her 67-year-old husband as she watched his darkened fingertips tapping at the keyboard. The man glanced down from the screen to his hands. She was right; they were worse. He first noticed the change a couple of weeks earlier, just after he fell playing Pickleball, a mash-up of racquetball, tennis and Ping-Pong. He'd leaned in to return a well-placed shot and fallen over, slamming his left hand into the wooden court as he fell onto his right shoulder. He got up, feeling his dignity was injured more than the rest of him, and finished the game. But while showering, he noticed the darkened nails of his slammed left hand. They were the purple shade of a bruise. Strangely, the nails on his right hand were also dark. His fingers didn't hurt, but the nails had taken on an ominous violet hue.

He'd had a pretty bad fall, his wife agreed when he showed her his darkened nails. Maybe he'd bruised them. Because the nails weren't tender or painful, the man decided to ignore it. And sure enough, over the next few days, the bruised-looking color began to fade. But the darkness never completely cleared up. And now it was back, even darker than before.

At a previously scheduled appointment for his annual physical, the man mentioned his discolored nails to his internist. The doctor wasn't sure what it was, either. He quickly looked up nail melanoma to make sure this wasn't a cancer. Nope; if this was melanoma, it would be limited to a single nail. The doctor asked if he had any other symptoms. Nothing. "Keep an eye on it," he said. The patient promised to let him know if anything changed.



Phone a Friend

And nothing really changed. Sometimes the nails were darker, sometimes lighter. But the color didn't go away. After a few more weeks, the man called an old friend, Mike Fishbein, a radiologist at Falmouth Hospital on Cape Cod in Massachusetts. "What do you know about purple fingernails?" he asked. Fishbein was an internist before training to become a radiologist, and he was immediately worried. Can you send me a picture? he asked. The picture showed purple nails on both hands. This wasn't reassuring. The first thing that came to Fishbein's mind was cyanosis — not getting enough oxygen to the tissues.

Moreover, just a week earlier, a friend's son had developed painful purple toes. It turned out that was his first symptom of infection with Covid-19. He pummeled his friend with questions: Do you have a fever or a cough? Are you short of breath? Do your fingers hurt? No, said the patient; he had none of those symptoms. He felt fine. It's just that his fingernails were bruised-looking. Fishbein told him he should get his oxygen level checked. This could be bad. The nearby walk-in clinic was closed, so Fishbein invited his friend over to his place for the test.

When the patient arrived, Fishbein quickly checked his oxygen saturation with a small monitor that he slid over one finger. It was 99 percent — completely normal. The doctor took off his glasses and brought one of the man's hands close to get a good look. On most fingers the color was darker near the cuticle and got lighter toward the end of the nail. The nails on both little fingers were dark all the way to the end. He pressed on one — the tissue beneath blanched, but the nail itself was unchanged. Whatever it was, it was in the nail and not in the flesh beneath. Had he been working with heavy metals or solvents? Had he been painting? None of those, the man replied.

"I don't know what that is," Fishbein said finally. "You should probably see a dermatologist." He wasn't as worried, he told his friend, but it was weird.



Toxic Questioning

It took the patient a couple of weeks to finally call his dermatologist, Dr. Melissa Burnett in Wellesley, Mass. He got an appointment right away.

He saw the dermatologist in training first. She asked him about his nails and examined them, then excused herself. She found Burnett in her office and told her the man's story. She had no idea what this could be, she blurted out. As Burnett followed her resident into the exam room, she was already putting together a list of the common causes of nail discoloration: White nails often suggested liver or kidney failure; yellow nails could be seen in fungal infections; a blackened nail could be melanoma, but it would be just the one nail.

She greeted the patient cheerfully, then took a long look at his nails. They weren't purple but dark gray or black. And the coloring wasn't even. It had a kind of grainy



look to it. The cuticle wasn't involved, nor was the nail fold just beyond.

One common cause of discolored nails is medications. Years ago, gold was used to treat rheumatoid arthritis. It can cause a bluish pigmentation of the skin and sometimes the nails. Had he ever been treated with gold? Never, he stated flatly. What about silver? That is sometimes added to supplements people buy off the internet. He never used supplements. There are other drugs that can do this — most common are antibiotics, especially members of the tetracycline family — but the patient wasn't taking any of these. Heavy metals like arsenic, lead or mercury can also cause nail discoloration. But the man looked far too healthy to have an exposure to this type of toxin sufficient to cause these findings.



A Closer Look

The doctor noticed that it was only the fingers that were involved; the nails on the thumbs were normal. To the dermatologist, that, and its grainy appearance, suggested that the discoloration came from the outside rather than the inside. She picked up her dermatoscope — a kind of souped-up magnifying glass with a strong built-in light designed to evaluate pigmented lesions on the skin. Looking closely at the nail, she could see that the expanse of color was actually created by hundreds of tiny black granules on the

outer surface of the nail and not within the nail itself. She asked him about his hobbies. Did he paint or work with his hands? Nope. Just Pickleball. She'd seen people with this kind of discoloration on their fingers from reading the newspaper, but never on the nails.

Suddenly she asked, "Does your wife color her hair?" She did, the man told her. "Do you ever help her?" Never. She would never let him, he said with a smile. It didn't look as if the man dyed his hair — it was graying. She was quiet for a minute. "I *have* been using a new shampoo," the man offered. He was at the drugstore and saw a shampoo that said that it could get rid of the gray and restore natural hair color. His son was getting married in the fall, and he thought it would be nice if he had his old hair color back. "But it's not a dye," he insisted. Besides, he added, it didn't work.

Show me how you shampoo your hair, Burnett asked. The man began massaging his scalp, using all four fingers on each hand, but neither thumb. Certain of her diagnosis, Burnett pulled out a little packet from a drawer. When she tore it open, the man recognized the smell of acetone: nail-polish remover. The dermatologist briskly rubbed a nail, and almost instantly the gray discoloration came off, leaving the nail close to its original color.

The product he used, Just for Men Control GX Grey Reducing Shampoo, doesn't use the word dye in its advertising or packaging. In the company's promotional material, it says that the product "mimics the universal pigment held within a strand of hair to create every person's natural hair color. It gradually restores pigment to gray hairs with each use." The material suggests that this is some natural process they've tapped into. In fact, it's a dye hidden inside a shampoo.

I spoke with the patient recently. He attended his son's wedding a few days earlier, gray hair and all. I told him what I learned about how the product worked. I also told him that the package instructions suggest that men use the palms of their hands rather than their fingers to shampoo their hair "to avoid nail staining."

He was clearly not the only man who was surprised by the product's tendency to darken nails. On the first page of customer comments on one website, half the comments mentioned the nail discoloration. "I guess I should have read the fine print," the patient said to me ruefully. "Next time." ♦

Lisa Sanders, M.D., is a contributing writer for the magazine. Her latest book is "Diagnosis: Solving the Most Baffling Medical Mysteries." If you have a solved case to share with Dr. Sanders, write her at Lisa.Sandersmd@gmail.com.

The Evolution of the Onion Sandwich: It was once known as *brioche en surprise*. Then James Beard got hold of it.



If Beard didn't invent the onion sandwich, he at least understood its power.



Long before James Beard was famous for championing American foods and mentoring a generation of chefs, long before he was an immediately recognizable celebrity, he was sick and tired of not being famous. Sick and tired of working in kitchens, unseen and uncelebrated, stalling out while the people around him came up. In 1940, working in obscurity as a caterer, he lifted a recipe from his colleagues Irma Rhode and her brother Bill Rhode — known as New York's king of hors d'oeuvres — and published it as his own. It was a cute cocktail sandwich of soft, buttery bread and finely sliced onion called *brioche en surprise*, a hit at the events he and the Rhodes had worked together. But as Beard became more famous, the sandwich got a new, unofficial name: James Beard's onion sandwich. Beard earned (along with a reputation for chronic, unapologetic plagiarism) his own nickname, the Dean of American Cookery. It was a good nickname, a strong nickname, though in suggesting a kind of elite prep school tucked away from the real world, it also gave away some truths about the small circle of people defining American food: They were insular, petty and competitive. And if Beard was their dean — a champion of American regional ingredients and the cooks who supported them — he was also a fragile and sometimes predatory influencer, an outsider aching for companionship and financial success.

John Birdsall is not a polite biographer, and I say this with admiration. In his new book, "The Man Who Ate Too Much," he pokes and prods at Beard's most tender places, his hidden traumas, his deepest insecurities. Birdsall gets to what's often missing from the cheerful narrative of James Beard, shading in the face sketched on medals and vintage book covers — a man known chiefly as a gregarious entertainer, enormous in profile, appetite and knowledge. There was so much more to Beard — a gay, closeted man from Portland who struggled with anxiety and depression all his life, a failed opera singer mocked for his hulking, 300-pound body, a cook who chased pure, over-the-top pleasures in kitchens around the world and, early in his career, wrote about them using language that Birdsall calls "unabashedly queer."

In a 2013 essay for *Lucky Peach*, Birdsall wrote about his own experience as a queer cook in homophobic restaurant

kitchens. He pointed to three gay men — James Beard, Richard Olney and Craig Claiborne — as the architects of modern American cuisine. Though Beard was out to only a small circle of friends, Birdsall interviewed his peers, combed through documents and picked up every clue that Beard left behind in his writing about his life. As a biographer, Birdsall applies his deep research to give us critical readings of Beard's culinary style, documenting its zigzagging development through travel and apprenticeship, looking into dishes that shaped him and crucial meals he cooked, finding intellectual and sensual meaning in the relics of Beard's delights. In New York, Beard first wooed his long-time lover by making him a poached, deboned calf's head, starting with the meat and tongue of the *tête de veau*, saving the brains for a second course, and skipping dessert for cheese. Birdsall's writing is so precise and illuminating, I read this passage believing I could know Beard through his cooking, that if he made a *tête de veau* for his crush, with a soft, herbaceous dressing — an absurdly over-the-top dish — I could see him and understand him more clearly than ever before, vulnerable and yearning, eager to please, obscuring himself with a rich country lunch.

There was more to the famous onion sandwich, too, which served as a kind of blueprint for Beard's approach to American cuisine. "It's a recipe where charm and originality come from taking a traditional dish and swapping out its signifiers with ones that seem new," Birdsall writes. And if Beard didn't invent it, then he understood that power. The sandwich started as a bundle of flavors — a Central European-style bite of raw onion on schmaltz-licked dark bread. But it became two slices of rich brioche, cut into circles and spread with mayonnaise, with thinly shaved onion firmly pressed inside and a rim of chopped parsley. It was basic but confident, and it came together with inexpensive ingredients. It was so good that you could easily eat a dozen, and so simple that it barely required a recipe. You glance at the directions, feeling a little silly rolling the sandwiches in chopped parsley, a crucial step that makes the sandwich, and that Irma Rhode said came from Beard. You'd make it once, and then the dish would be committed to memory — as James Beard's onion sandwich.

Onion Sandwich

Time: 20 minutes, plus chilling

- 1 loaf challah or brioche, sliced about ¼-inch thick
- ½ cup mayonnaise
- 1-2 sweet white onions, such as Vidalia
- Crunchy sea salt, to taste
- 1 cup fresh herbs (this could be all parsley, or a mix of parsley, tarragon and marjoram), chopped

1. Using a 1½-inch cutter, cut 24 rounds from the bread, and arrange in 12 pairs. Spread each round with mayonnaise.
2. Slice the onions through the equator, evenly and thinly, and put a slice that fits the bread on half the bread rounds. Salt lightly, then cover with a second round of bread.
3. When sandwiches are assembled, spread remaining mayonnaise on a piece of parchment paper, and have the chopped herbs ready in a bowl.
4. Hold a sandwich, and roll the edge in mayonnaise, then in the chopped herbs, covering the edge. Cover and chill for about 1 hour and up to 6 hours before serving.

Yield: 12 mini-sandwiches.

Adapted from James Beard. ♦

My Mustache By Wesley Morris I didn't realize



pandemic would lead me to question how I beca

that experimenting with my facial hair during the



me who I am. Photograph by Jessica Pettway Page 21

Like a lot of men, in pursuit of novelty and amusement during these months of isolation, I grew a mustache. The reviews were predictably mixed and predictably predictable. “Porny”? Yes. “Creepy”? Obviously. “’70s”? True (the 18- and 1970s). On some video calls, I heard “rugged” and “extra gay.” Someone I love called me “zaddy.” Children were harsh. My 11-year-old nephew told his Minecraft friends that his uncle has this ... *mustache*; the midgame disgust was audible through his headset. In August, I spent two weeks with my niece, who’s 7. She would rise each morning dismayed anew to be spending another day looking at the hair on my face. Once, she climbed on my back and began combing the mustache with her fingers, whispering in the warmest tones of endearment, “Uncle Wesley, when are you going to shave this thing off?”

It hasn’t been all bad. Halfway through a quick stop-and-chat outside a friend’s house in July, he and I removed our masks and exploded at the sight of each other. *No way: mustache!* I spent video meetings searching amid the boxes for other mustaches, to admire the way they enhance eyes and redefine faces with a force of irreversible handsomeness, the way Burt Reynolds never made the same kind of sense without his. The mustache aged me. (People didn’t mind letting me know that, either.) But so what? It pulled me past “mature” to a particular kind of “distinguished.” It looks fetching, for instance, with suits I currently have no logical reason to wear.

One afternoon, on a group call to celebrate a friend’s good news, somebody said what I didn’t know I needed to hear. More reviews were pouring in (thumbs down, mostly), but I was already committed at that point. I just didn’t know to what. That’s when my friend chimed in: “You look like a lawyer for the N.A.A.C.P. Legal Defense Fund!”

What I remember was laughter. But where someone might have sensed shade being thrown, I experienced the opposite. A light had been shone. It was said as a winking correction and an earnest clarification. *Y’all, this is what it is.* The call moved on, but I didn’t. That *is* what it is: one

of the sweetest, truest things anybody had said about me in a long time.

My friend had identified a mighty American tradition and placed my face within it. Any time 20th-century Black people found themselves entangled in racialized peril, anytime the roots of racism pushed up some new, hideous weed, a thoughtful-looking, solemn-seeming, crisply attired gentleman would be photographed entering a courthouse or seated somewhere (a library, a living room) alongside the wronged and imperiled. He was probably a lawyer, and he was likely to have been mustached.

Thurgood Marshall started the National Association for the Advancement of Colored People’s Legal Defense and Education Fund 80 years ago. (It still exists. Sherrilyn Ifill is in charge.) The L.D.F.’s most famous cases include *Shelley v. Kraemer*, which, in effect, forbade landlords from refusing to rent to Black people, and *Brown v. Board of Education*, the crown jewel in the fund’s many school-desegregation challenges. Marshall was, essentially, the civil rights movement’s legal strategist, and in case after case, he arrived at the Supreme Court in elegant tailoring and sharp haircuts. A decade later Marshall was on the court. And any time he donned that robe and those horn-rimmed spectacles, every time he shined at oral arguments, he did so wearing a mustache. The glasses and jowls emphasized his famous air of wisdom. The mustache bestowed a grounding flourish.

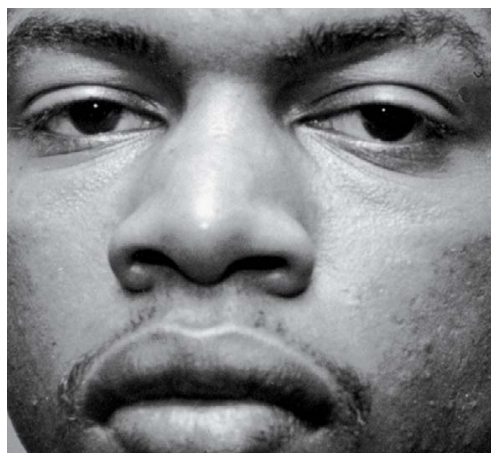
In 1954, when the court ruled in *Brown*, it wasn’t so rare to see a mustached man. They were a common feature among blue-collar jobs. Charlie Chaplin and Errol Flynn had been stars; and the country hadn’t quite finished with Clark Gable. Ernest Hemingway had aligned the mustache with distinctly American ideas of masculine bravado, concision and sport. But a mustache could also be a softener, a grace note. A mustache advertised a certain commitment to civility. On a man like Gable, it embellished his rough edges, gave his characters’ chauvinism a classy place to land.

On Black men, a mustache told a different story. It was fashionable, but it was more than that. On a

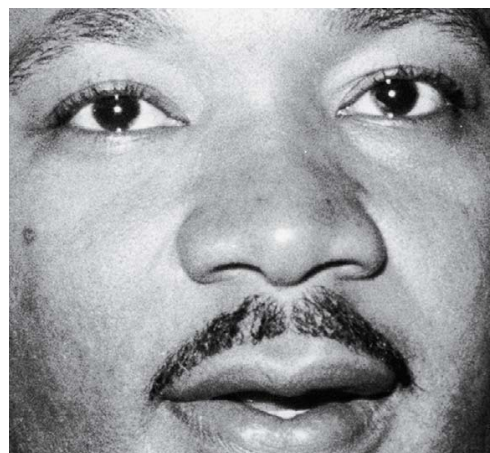
Black man, it signified values: perseverance, seriousness, rigor. Ralph Ellison, Langston Hughes, Jacob Lawrence, Gordon Parks, Albert Murray, John Lewis, C. T. Vivian, Martin Luther King Jr., Ralph Abernathy, Bayard Rustin, Joseph Lowery, Fred Shuttlesworth, Julius L. Chambers, Jesse Jackson, Hosea Williams, Adam Clayton Powell Jr., Elijah Cummings: mustaches all. Classics. (It should be noted that the superstar ideological iconoclast among the freedom fighters, Malcolm X, did battle accordingly. He was the only prominent American leader, of any race, with a goatee.)

In the days after that congratulations video call, the euphoria of having been tagged as part of some illustrious legacy tapered off. The mustache had certainly conjoined me to a past I was flattered to be associated with, however superficially. But there were implications. During the later stages of the movement, a mustached man opened himself up to charges of white appeasement and Uncle Tom-ism. Not because of the mustache, obviously, but because of the approach of the sort of person who would choose to wear one. Such a person might not have been considered radical enough, down enough, Black enough. The civil rights mustache was strategically tolerant. It didn’t advocate burning anything down. It ran for office — and sometimes it won. It was establishmentarian, compromising and eventually, come the infernos at the close of the 1960s, it fell out of fashion, in part because it felt out of step with the urgency of the moment.

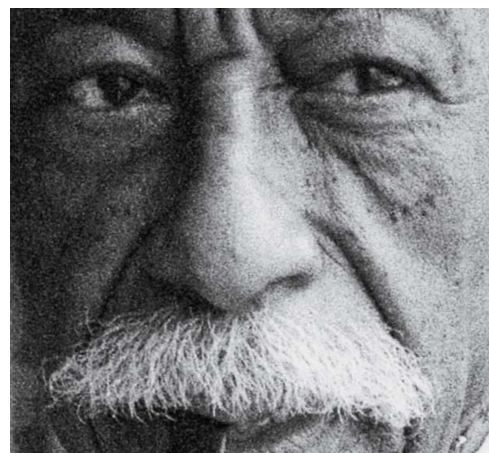
The Black mustache didn’t end with the disillusionments of the post-civil-rights era. Jim Brown, Stevie Wonder, Richard Roundtree, Billy Dee Williams, Lionel Richie, Sherman Hemsley, Carl Weathers, James Brown, Arsenio Hall and Eddie Murphy wore one. It’s just that no higher calling officially united them. Their mustaches were freelance signatures, the mark of an individual rather than a people’s emblem. At some point in the 1970s and through at least 1980, Muhammad Ali grew one you could attach to a broom handle. Donnie Simpson hosted BET’s “Video Soul” with a tapered number and a silky smoothness that could line a tuxedo jacket. Throw a rock at an old Jet



John Lewis



Martin Luther King Jr.



Gordon Parks

magazine from the 1980s, you'll hit somebody's mustache. But well before then, the politics of self-presentation had coalesced around grander, less deniable hair. They migrated to the Afro. A mustache might have been a dignified symbol in the pursuit of equality. But there was nothing inherently Black about it. A mustache meant business. An Afro meant power.

I knew before the summer's Black Lives Matter protests that my mustache made me look like a bougie race man: a professional, seemingly humorless middle-class Negro, a moderate, who believes that presentation is a crucial component of the "advancement" part of the N.A.A.C.P. mission, someone who doesn't mind a little respectability because he believes his people deserve respect. It's a look to ponder as the country finds itself churning once again over ceaseless questions of advancement and justice and the right to be left the hell alone. I live a street over from a thoroughfare where the protests happened almost nightly in June and July. I could hear their approach from my living room. One evening, I stood at a corner, moved, as thousands of people passed: friends, colleagues, co-workers, some guy I went on a blind date with a million years ago, chanting, brandishing banners and buttons. Some protesters had their fists raised in a Black-power salute. So I raised mine. Not a gesture I would normally make. But there was something about seeing so many white people lifting their arms that goaded me into doing it, too. Mine kept lowering itself, so I had to jerk it to its fullest, most committed extension. I felt out of control, like Edward Norton throwing himself around his boss's office in "Fight Club"; like the kleptomaniac that Tippi Hedren played in Alfred Hitchcock's "Marnie," trying to palm a stack of cash but her arm. Just. Won't. Pick. It. Up. At some point, I stopped straining. This wasn't the struggle I came for. Plus, a friend told me later that I had made my fist wrong.

The Black-power salute is not a casual gesture. It's weaponry. You aim that arm and fire. I aimed mine in solidarity — *with* white people instead of at a system they personify. And that didn't feel

quite right. But how would I know? I had never done a Black-power salute. It always seemed like more Blackness than I've needed, maybe more than I had. I'm not Black-power Black. I've always been milder, more apprehensive than that. I was practically born with a mustache.

I grew up in Philadelphia in the 1980s. My mother left my father when my sister and I were small. I took the divorce just fine. Except for the stealing. I used to pluck quarters from my mother's change purse and, before class, feed them to the arcade consoles at the 7-Eleven near school. First, though, I would discreetly jam handfuls of 1-cent candy into my pockets. The quarters were never meant to cover that. For two weeks in the second grade, this is how my mornings began — until I got caught. The store manager called my mother, and in the uncomfortably long wait for her arrival, I sat there, wallowing in regret. But she never showed. My father did. She must have phoned him. He walked me home to the house he no longer lived in and spanked me (a first, for us both). Then he calmly walked me to school. On the way, he explained, with uncharacteristic gravity, that because I was Black, I needed to be very careful about my behavior. Nobody should steal. And we especially shouldn't. He was a track coach, and that was one of the few times he ever coached me.

It's perhaps absurd to point to one childhood incident and declare it decisive, but I've always found that story useful. It's rich in disappointment, embarrassment, shame and guilt (my mother needed those quarters; they were carfare; and the kids at school now knew I was a thief). I was so ashamed that I vowed, at 6, that I never wanted to feel like that again. I'd had a moral near-death experience. From there on, I would be good. That was the vow.

"Good" meant trying hard and helping out and listening and being a devoted friend. It meant only the best news for my parents and being liked. But goodness as a personal policy is strange for a child to have. It's for grown-ups; not for kids. Teachers like good kids; some teachers prefer them. The kind of goodness I'm talking about is suspicious

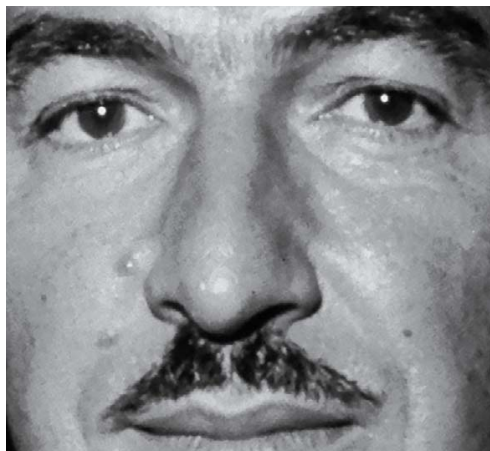
to other kids. Kids don't want to catch you abstaining from trouble or raising your hand or staying behind after school to help out or, worse, to *hang*. I went to the same small, mostly Black private school from third grade until graduation. That kind of goodness sometimes got classified as "white." It wasn't pejorative, exactly. Kids liked me. But we all seemed to realize that now I had a genre.

I don't recall making a conscious equation between goodness and whiteness. But I watched TV and went to movies and devoured comic books and music videos in which most of the people were white. I made identifications. I internalized things. I watched almost every episode of two popular sitcoms in which rich white people adopt Black orphans. Hip-hop had only begun its pursuit of world domination; it was still just rap. But I preferred pop music and liked it when a rap song — "Push It," "Just a Friend," "Going Back to Cali" — crossed from Black radio to everybody else's. The crossing over was validating. Pop was proof not of selling out, but of a kind of goodness.

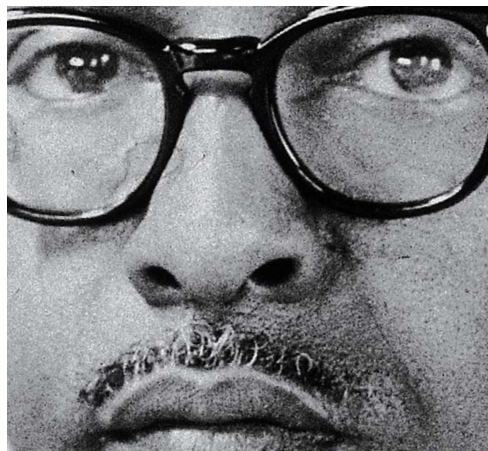
I never suffered any major drama about being Black or being gay. (A stretch of the sixth grade featured me talking like Jackée Harry, who played the flamboyantly congested sexpot, Sandra, on "227.") I just understood that there were strata and somewhere among them were my "proper" diction and pegged jeans. I had made myself an individual and was never tortured too terribly for it. I had a little room of my own in a wider Black world. Then Carlton moved in.

Carlton was Will Smith's rich, conservative cousin on "The Fresh Prince of Bel-Air." The show ran on NBC from 1990 to 1996 and was another Black-adoption sitcom, only the rich family was Black. Carlton was the middle kid: bellowingly enunciated, preppy in Ralph Lauren everything, deafened by the setting on Will's Blackness. To Will, Carlton's familiarity with whiteness made him indistinguishable from it. Early in Season 1, when a family friend chooses Carlton and not Will to drive his fancy car to Palm Springs as a favor, a miffed Will asks, "This is a Black thing, isn't it?" On the road, Carlton offers Will a snack:

From left: Leo Rosenthal/Getty Images; Allyn Baum/The New York Times; Getty Images.



Adam Clayton Powell Jr.



Bayard Rustin



Thurgood Marshall

"What do you say to an Oreo?" Will answers: "What's up, Carlton?"

Carlton's erudition and country-club style panic Will, whose own approach to Blackness becomes an overcompensation for his proximity to affluence. His Blackness is a thing he performs — for an audience, but mainly for himself. In Season 2, Uncle Phil tells Will that he's proud of him, that he's just like his son. It's a compliment that induces a nervous breakdown. "I'm turning into Carlton," Will says. "No more of these sissy sandwiches. No more valet parking. And no more of these preppy parties, man." He then destroys the \$200 check that he kissed up to Uncle Phil to write him and says, "Yo, the funky fresh is back in the flesh with a vengeance, Holmes!" It's stunning enough, the equation of intelligence with emasculation and whiteness with lunch (Will: *sandwiches?*). But when he's finished, the audience erupts in cheers. Nobody watching wanted Will to become "good." They wanted him to stay Black.

I didn't know who Carlton was until I was presumed to be him: in school, at my weekend movie-theater job, in the checkout line at the Gap. He equipped the young and perplexed with a short-hand for bright, square oddballs who weren't quite nerds. (Nerds were easy. They were Steve Urkel, the geek from "Family Matters.") In high school, there were a few of us oddballs. I, alas, was the lone Carlton. But a crucial part of the equation always felt off. Carlton epitomized the hazardous comedy of racial estrangement. Even his assertions of Blackness were meant in irony. Like the time, in Season 1, when Will bets that his cousin wouldn't last long in Compton, and Carlton winds up dressed like a gangsta. His sudden abundance of Blackness was supposedly funnier because we were well versed in his alleged lack of it.

But sometimes I wondered, Was he really an exemplar of Blackness's rigidity or could he have been an exploration of its parameters? Could I? I don't think it mattered back then. These were teenagers. They weren't looking for the nuances of who anybody was. They were Will, in search of the easiest path to jokes that distracted from their insecurities. And the path from Carlton to me was, admittedly, not an arduous one to forge. This would

have been asking a lot of a network sitcom, but I sometimes wondered about the Blackness of Carlton's inner life and its correspondence to mine.

One of the proudest secondhand moments of my adolescence was the Wimbledon tennis tournament in which an unseeded Lori McNeil stopped Steffi Graf's title defense *in the first round* and almost made it to the final. I liked Steffi Graf, but Lori McNeil? How? Did Carlton catch any of that? Did he love it when a curmudgeon like Stanley Crouch, a reality checker like Julianne Malveaux or a sage like Toni Morrison would show up on some talk show and just go on and on about whatever? The hosts might have seemed prepared for the erudite truth of what they had to say but often seemed taken aback by the precise Blackness of its deployment. The joke of Carlton was that he adored Tom Jones and danced like Belinda Carlisle. But surely he could sense that the 1980s and 1990s were a bounteous age for an anything-goes kind of Blackness: Prince, Whoopi Goldberg, Jermaine Stewart, Janet Jackson, Flavor Flav.

The first time I saw a wet suit was on Corey Glover, who sang in the band Living Colour, four Black guys who built their hard rock on a base layer of rhythm and blues. Rap's menu had diversified enough to include Afrocentric hippies like Arrested Development and hippie-dorks like De La Soul. Lenny Kravitz was another hippie but nobody in my life seemed to take his funk-rock as spiritually as I did. To them, it was cheesy and ripped off. I inspected this music for a Blackness that comported with mine and every time felt the thrill of pure identification.

Carlton rarely got to make any such discovery. His cluelessness was too useful an asset. He was the bane of my adolescence, but I came to feel for him and despise the trap he was in. Every once in a while, though, somebody involved with that show would let him the littlest bit loose. At the end of Compton episode, this happens:

Carlton: "I never judge you for being the way you are. But you always act like I don't measure up to some rule of Blackness that you carry around."

Will: "You treat me like I'm some kind of idiot just 'cause I talk different."

Carlton: "'Different/ly.'"

The show just kept shaking the Etch A Sketch, resetting Carlton's self-awareness and Will's insensitivity to it. But I understood what Will's ilk ignored. The Oreo had a soul.

During that stretch in high school, I grew a mustache. It was a classic rite of male puberty: I grew it because I could, kept it because it didn't violate a dress code and was grateful for it because it probably helped tame the homophobes. Just about every boy in my graduating class had something sprouting above their lip. Wispy, ghostly, "cheesy," but certifiably masculine. That's also why people called me Carlton: because I bore the vaguest resemblance to Alfonso Ribeiro, the actor who played him. We both talked funny, dressed funny, danced funny. And we both, it must be said, had a mustache.

On my way to college, I got rid of it, hoping to exorcise Carlton. And it didn't go with the look I wanted to take with me: baggy T-shirts and baggy pants with either Doc Martens or a pair of Chuck Taylors. I had two beloved T-shirts: Travis Bickle, the "Taxi Driver" psycho, was printed on one; the other was striped thin in red, green, black and yellow, which struck me as in some way African even though it was not. My older cousin Leon bought me a 40 Acres and a Mule baseball cap from Spike Lee's merchandise shop. No filmmaker mattered more to my teenage self. But I was perpetually concerned that somebody might ask what the 40 acres were all about. Here I was, nervous about the call for reparations atop my head when there was a homicidal maniac staring out from my chest. Even then, I couldn't. Make. A. Fist.

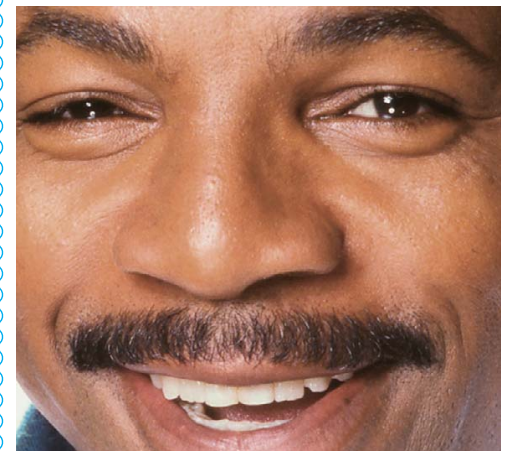
I went to Yale, which, until recently, offered an orientation camp for several dozen nonwhite students to bond. It was a week of sitting around, exploiting the pretext of food and talent shows to luxuriate in the personalities and tastes and lives of potential new friends. It was exciting, finding these kindred souls. Every once in a while, one



Jesse Jackson



Denzel Washington



Carl Weathers

of us would pause our little paradise to laugh at the absurdity of it all (the program's acronym was PROP) and ponder the looming menace: Were we being warned? The program was a rather stunning admission on the college's part: This is a white place; you all are going to need to keep one another from drowning. Lots of us had gone to integrated schools. We could swim. I swam.

But there's a way that, for certain nonwhite people (especially if you're poor), life at a liberal arts college (especially a so-called elite one) can feel like the reward for all of that being good. Maybe you've beaten some odds to get there, and your prize for all of the effort and, let's face it, all of the luck is, yes, a premium education but also living among white people. But first — ha, ha — *first* you must exemplify your people, be a diplomat for them and an ambassador to the white people to whom your ways might seem foreign.

No one ever puts it that way. The structure does the talking. No Black first-year student I knew at Yale had a Black roommate. If a professor put James Baldwin or Toni Morrison or Ntozake Shange or August Wilson on a syllabus, you, as the section's sole Black person, would be gazed at until you got the discussion started, expected to approve your sectionmates' analysis and withstand their insinuations. There were several ways to receive such a position: aghast, aggrieved, in acquiescence, with authority.

I eventually owned the situation. But it created delusions. I, at least, went through a brief, shameful period of high peacock during which my stage name could have been Mr. Black Experience. Prolonged only-ness winds up abutting exceptionalism. The alternatives never felt, to me, like improvements. Take the athlete from Southern California whom I ran into during a terrible evening he was having our first year. The pressure to declare his Blackness had snapped him. He didn't want to be merely some Black guy; he just wanted to be him. There was no consolation. We ran into each other from time to time. He pledged one of the big white fraternities and seemed to enjoy its spoils. I still think about him. What were the rest of his four years like?

Mine remain four of my best. I was happy. Only this summer have I taken any deep stock of the time I had there, how acculturation can breed estrangement, how I ended up with the comfortable life I've got. One urgent demand of this moment is for people, workplaces and institutions to reckon with their whiteness. Why not reckon with mine? Day after day of video calls will do that. I sat there on work meetings, in friend hang-outs and family catch-ups and stared into people's homes, tallying who's in my world, regretting nothing but simply absorbing how solidly white and discretely nonwhite the parties are and how it all feels traceable to a morning I got caught stuffing my pockets with Jolly Ranchers.

After graduation, during the decade and a half I spent working at newspapers in San Francisco and Boston, I embarked on a life that featured increasingly fewer Black people — at the office; in restaurants; on the streets. It was less an ambition than ambition's consequence. Some days it felt as if the Rapture had occurred and taken all the Black people to Atlanta or Houston. Even as I basked in the fortune of my life, loneliness performed its gentle tintinnabulations. San Francisco once had a good, Black-run soul-food place called Powell's. I sat down there almost every month just to have a base to touch. I talked about moving to Oakland but never did. In Boston, I had a couple of weird years with men. After a political convention, in 2004, I took home a guy from South Carolina who seduced me with talk about the difference he planned to make as a Black politician. On the walk to the subway the next morning, I all but asked him to take me to Charleston. That was the end of that.

I wasn't thinking of the people in my life as just white people; these were my co-workers, my friends. One of those friends applied a similar logic to me. The same week that a Minneapolis police officer killed Philando Castile, he found me in grief, and I told him that I've always harbored a murmuring awareness that I could be shot. He was incredulous. How could that happen to *me*? I went to a good school and had a good job. I was Black but not "killed during a police stop" Black. I was good.

I can imagine a version of myself that, having completed Yale and succeeded professionally, would've heard that response and felt relieved. That I was one of racism's carve-outs. I was me. Only, I've always felt more lucky than exceptional. I can now see that my vow of goodness was an existential shift of shape. Having been told, early on, that unreasonable obstacles awaited, I set about finding a form that could easily evade them.

There is, I suppose, an other hand, wherein I take further stock and declare a folly. The entire affair of race is a joke. My life is mine, no strings, no speed traps. Why overthink it? And the mustache. Come on. It's called a pandemic trend. I made bread on my face. One's race is not one's self. I know this and strive to leave it at that. But I never get far. In the United States, a Black self eventually discovers his race is a form of credit (or discredit, as it were). You can't leave home without it.

Yet for as long as Black Americans have been conscious of their Blackness, some public intellectual has cried "hoax." *You, Black person, are free — free to be a Person.* You can Rapture yourself. American literature reserves a corner for characters who've plotted escape: the passing novel, wherein Black people eke out a sad white life. Certainly, a logic for leaving exists. I must admit I do feel free, often in precisely the way that friend of mine insisted I must, because my fears haven't yet come true. I could, in theory, join the Black exit campaign and leave, if not the race, then certainly the sort of thinking that believes racism is a form of determinism, affecting the choices we make as individuals.

I've tried to empathize with this thinking and am always surprised that I can't close the deal.

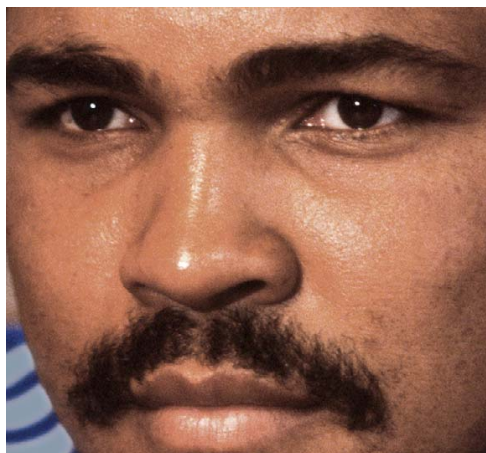
You might recall that before he became America's most notorious double-murder acquittee, O.J. Simpson insisted he wasn't Black, either: He, alas, was O.J. Ensnarement within the criminal-justice system has this tragic way of clarifying who you are. Simpson emerged from that national disaster redefined by the Blackness he forsook. Lately and most cantankerously, it's Kanye West who has been daring to level with us. His early musical pushes against Black

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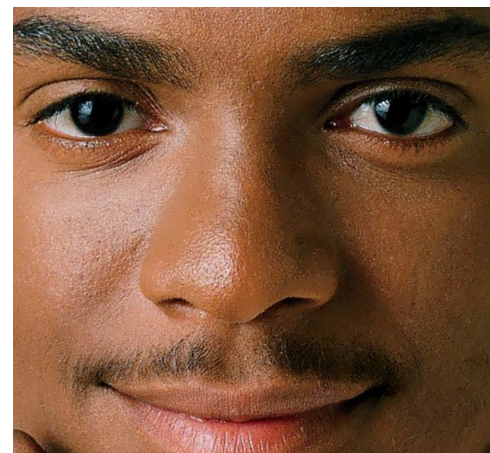
From left: David S. Holloway/Getty Images; Alamy Stock Photos; Chris Cuffaro/NBC Universal, via Getty Images.



Donnie Simpson



Muhammad Ali



Alfonso Ribeiro

FREEDOM OF PRESS OUR DEMO



Independent fact check

'The Evidence to Back Free-Speech Claims Is Disputed'

Claim: "Unrestricted free speech as protected by the First Amendment is vital to the survival of American democracy."

Rating: Uncertain



Get the facts about the First Amendment

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The First Amendment in an age of disinformation. By Emily Bazelon

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his summer, a bipartisan group of about a hundred academics, journalists, pollsters, former government officials and former campaign staff members convened for an initiative called the Transition Integrity Project. By video conference, they met to game out hypothetical threats to the November election and a peaceful transfer of power if the Democratic candidate,

former Vice President Joe Biden, were to win. Dividing into Team Trump and Team Biden, the group ran various scenarios about counting ballots and the litigation and protests and violence that could follow a contested election result. The idea was to test the machinery of American democracy.

Describing the results in a Sept. 3 essay in *The Washington Post*, one of the project's organizers, Rosa Brooks, a Georgetown law professor and Pentagon official during the Obama administration, mentioned a situation in which Biden won the popular vote but lost in the Electoral College. In that hypothetical case, "desperate Democrats" on Team Biden considered encouraging California and the Pacific Northwest to threaten secession to pressure Republicans to expand the size of the Senate.

The next day, Michael Anton, a former national security adviser to President Trump, published an article about the Transition Integrity Project called "The Coming Coup?" Democrats were "laying the groundwork for revolution," Anton wrote without evidence in *The American Mind*, a publication of the Claremont Institute. He warned that ballots harvested "lawfully or not" could tip close states to Biden.

By mid-September, Anton's article was one of the most-shared links in extremist online communities, according to a newsletter published by the Institute for Strategic Dialogue, a think tank based in London. Dan Bongino, a podcaster and Trump supporter, covered Anton's essay and the imagined coup in several videos, with one tagged, "They are telling you what they are going to do!" Just two of the videos pulled in at least six million views.

On Sept. 9, a post appeared on Revolver News, a new right-wing website. It claimed without evidence that one participant in the Transition Integrity Project, Norm Eisen, who served as a counsel for the Democrats on the House Judiciary Committee during the impeachment proceedings, was a "central operative" in a "color revolution" against Trump, a term for uprisings that have toppled governments in countries like Georgia and Ukraine. Trump tweeted in praise of Revolver News a few days later.

On Sept. 15, the Fox News host Tucker Carlson had on his show Darren Beattie, a former Trump speechwriter who was fired after reports surfaced that he had attended a gathering of white nationalists in 2016 and who warned about Eisen and a color revolution. Two days later, Trump tweeted that "the Nov 3rd Election result may NEVER BE ACCURATELY DETERMINED, which is what some want," generating tens of thousands of interactions on Twitter and a round of news coverage about one of the fears that the Transition Integrity Project sought to address — that Trump could refuse to accept the results of the election.

All told, in September the coup fabrication was shared more than 100,000 times from public Facebook pages, generating many millions of interactions and video views, according to the data source CrowdTangle. Alongside Bongino and Fox News, there were small drivers of traffic like Long Islanders for Trump, the Silent Majority Group and a county Republican organization in Oregon, as well as private groups with thousands of members that CrowdTangle doesn't capture. By the end of the month, the fraction of Republicans who were not "confident" that the election "will be conducted in a fair and equal way" hit 65 percent, higher than it was for independents or Democrats, in an NBC News/SurveyMonkey tracking poll. This month, Trump retweeted a response to a Republican member of Congress, Mark Green, who suggested that Speaker Nancy Pelosi could stage a coup.

The United States is in the middle of a catastrophic public-health crisis caused by the spread of the coronavirus. But it is also in the midst of an information crisis caused by the spread of viral disinformation, defined as

falsehoods aimed at achieving a political goal. ("Misinformation" refers more generally to falsehoods.) Seven months into the pandemic in America, with Trump leading the way, coronavirus skeptics continue to mock masks and incorrectly equate the virus with the flu. Throughout the campaign season, Trump and other Republicans have promoted a false narrative of widespread voter fraud, which Attorney General William Barr, as the country's top law-enforcement official, furthered in a September interview on CNN when he said someone in Texas was indicted for filling out 1,700 ballots for other people, which never happened. As fires tore through California and the Pacific Northwest last month, the president cast doubt on the science behind global warming, and people in Oregon defied evacuation orders because of false rumors that antifa, a loose term for left-wing activists, was setting the blazes and looting empty homes.

The conspiracy theories, the lies, the distortions, the overwhelming amount of information, the anger encoded in it — these all serve to create chaos and confusion and make people, even nonpartisans, exhausted, skeptical and cynical about politics. The spewing of falsehoods isn't meant to win any battle of ideas. Its goal is to prevent the actual battle from being fought, by causing us to simply give up. And the problem isn't just the internet. A working paper from the Berkman Klein Center for Internet and Society at Harvard released early this month found that effective disinformation campaigns are often an "elite-driven, mass-media led process" in which "social media played only a secondary and supportive role." Trump's election put him in the position to operate directly through Fox News and other conservative media outlets, like Rush Limbaugh's talk-radio show, which have come to function "in effect as a party press," the Harvard researchers found.

The false story about Democrats plotting a coup spread through a typical feedback loop. Links from Fox News hosts and other right-wing figures aligned with Trump, like Bongino, often dominate the top links in Facebook's News Feed for likes, comments and shares in the United States. Though Fox News is far smaller than Facebook, the social media platform has helped Fox attain the highest weekly reach, offline and online combined, of any single news source in the United States, according to a 2020 report by the Reuters Institute.

It's an article of faith in the United States that more speech is better and that the government should regulate it as little as possible. But increasingly, scholars of constitutional law, as well as social scientists, are beginning to question the way we have come to think about the First Amendment's guarantee of free speech. They think our formulations are simplistic — and especially inadequate for our era. Censorship of external critics by the government remains a serious threat under authoritarian regimes. But in the United States and other democracies, there is a different kind of threat, which may be doing more damage to the discourse about politics, news and science. It encompasses the mass distortion of truth and overwhelming waves of speech from extremists that smear and distract.

This concern spans the ideological spectrum. Along with disinformation campaigns, there is the separate problem of "troll armies" — a flood of commenters, often propelled by bots — that "aim to discredit or to destroy the reputation of disfavored speakers and to discourage them from speaking again," Jack Goldsmith, a conservative law professor at Harvard, writes in an essay in "The Perilous Public Square," a book edited by David E. Pozen that was published this year. This tactic, too, may be directed by those in power. Either way, it's often grimly effective at muting critical voices. And yet as Tim Wu, a progressive law professor at Columbia, points out in the same book, the "use of speech as a tool to suppress speech is, by its nature, something very challenging for the First Amendment to deal with."

These scholars argue something that may seem unsettling to Americans: that perhaps our way of thinking about free speech is not the best way. At the very least, we should understand that it isn't the only way. Other democracies, in Europe and elsewhere, have taken a different approach. Despite more regulations on speech, these countries remain democratic; in fact, they have created better conditions for their citizenry to sort what's



Counterprotesters at a Nazi march in Skokie, Ill., in 1977.



A vigil in Charlottesville, Va., in 2017 after the violence that followed a neo-Nazi demonstration.

true from what's not and to make informed decisions about what they want their societies to be. Here in the United States, meanwhile, we're drowning in lies.

Facts and transparency are the intended pillars of the modern First Amendment. Since the nation's founding, the Constitution has guaranteed that the government "shall make no law" abridging "the freedom of speech, or of the press; or the right of the people peaceably to assemble." For more than a century, however, these limits on the state's power were worth little. From 1798 to 1801, more than two dozen people, including several newspaper editors, were prosecuted by the administration of President John Adams under the Alien and Sedition Acts, which made "malicious writing" a crime. Protesters were also jailed for criticizing the government during World War I.

In 1919, Justice Oliver Wendell Holmes Jr. invoked the First Amendment to dispute the legality of prosecuting five anarchists for distributing leaflets that called for workers to strike at munitions factories. "The ultimate good desired is better reached by free trade in ideas," Holmes wrote.

One of Holmes's chief influences was the British philosopher John Stuart Mill, who argued in his foundational 1859 treatise "On Liberty" that it is

wrong to censor ideas, because knowledge arises from the "the clearer perception and livelier impression of truth, produced by its collision with error." In the process, the capacity of citizens to weigh policy questions is strengthened. The government should not censor false or harmful speech because its judgment might be wrong.

Based on Mill's conception of free speech, the political theorist Alexander Meiklejohn argued for elevating the right above other rights, as the foundation of democracy, in his 1948 book "Free Speech and its Relation to Self-Government." Mill and Meiklejohn stand for the proposition that unfettered debate — Holmes's "free trade in ideas," or the "marketplace of ideas," coined by Justice William O. Douglas in 1953 — furthers the bedrock values of the pursuit of truth, individual autonomy and democratic self-governance.

In the 1960s, based on these principles, Supreme Court majorities laid the cornerstones of modern American free-speech protections. In the case *Brandenburg v. Ohio*, the justices struck down an Ohio law used to arrest a Ku Klux Klan leader for speaking at a rally, barring the government from punishing speech unless it encouraged and was likely to cause "imminent lawless action," like a riot. In the foundational case *New York Times v. Sullivan*, the court made it difficult for a public figure to sue a newspaper for libel that included false statements. Errors were "inevitable in free debate," the court said, and "must be protected if the freedoms of expression are to have the 'breathing space' that they 'need,'" quoting a previous ruling.

It's a fundamentally optimistic vision: Good ideas win. The better argument will prove persuasive.

There's a countertradition, however. It's alert to the ways in which demagogic leaders or movements can use propaganda, an older term that can be synonymous with disinformation. A crude authoritarian censors free speech. A clever one invokes it to play a trick, twisting facts to turn a mob on a subordinated group and, in the end, silence as well as endanger its members. Looking back at the rise of fascism and the Holocaust in her 1951 book "The Origins of Totalitarianism," the political philosopher Hannah Arendt focused on the use of propaganda to "make people believe the most fantastic statements one day, and trust that if the next day they were given irrefutable proof of their falsehood, they would take refuge in cynicism."

In other words, good ideas do *not* necessarily triumph in the marketplace of ideas. "Free speech threatens democracy as much as it also provides for its flourishing," the philosopher Jason Stanley and the linguist David Beaver argue in their forthcoming book, "The Politics of Language."

Concerns about the harm of unfettered speech have flared on the left in the United States since the 1970s. In that decade, some feminists, led by the legal scholar Catharine A. MacKinnon and the activist Andrea Dworkin, fought to limit access to pornography, which they viewed as a form of subordination and a violation of women's civil rights. In the 1980s and '90s, scholars developing critical race theory, which examines the role of law in maintaining race-based divisions of power, called for a reading of the First Amendment that recognized racist hate speech as an injury that courts could redress.

But the Supreme Court has strongly protected hate speech. In 1992, the Supreme Court unanimously said that the City of St. Paul could not specially punish, as a hate crime, the public burning of a cross or the display of a swastika. In 2011, in an 8-to-1 vote, the court said the government could not stop members of the Westboro Baptist Church in Kansas from picketing military funerals across the nation to protest what they perceived to be the government's tolerance of homosexuality by holding signs like "Thank God for Dead Soldiers." Speech can "inflict great pain," Chief Justice John G. Roberts Jr. wrote for the majority. "On the facts before us, we cannot react to that pain by punishing the speaker. As a Nation we have chosen a different course — to protect even hurtful speech on public issues to ensure that we do not stifle public debate."

In 2012, by a 6-to-3 vote in *United States v. Alvarez*, the court provided some constitutional protection for an individual's intentional lies, at least as long as they don't cause serious harm. The majority said that the "mere

potential” for government censorship casts “a chill the First Amendment cannot permit if free speech, thought and discourse are to remain a foundation of our freedom.”

The Supreme Court has also taken the First Amendment in another direction that had nothing to do with individual rights, moving from preserving a person’s freedom to dissent to entrenching the power of wealthy interests. In the 1970s, the court started protecting corporate campaign spending alongside individual donations. Legally speaking, corporate spending on speech that was related to elections was akin to the shouting of protesters. This was a “radical break with the history and traditions of U.S. law,” the Harvard law professor John Coates wrote in a 2015 article published by the University of Minnesota Law School. Over time, the shift helped to fundamentally alter the world of politics. In the 2010 *Citizens United* decision, the court’s conservative majority opened the door to allowing corporations (and unions) to spend unlimited amounts on political advocacy, as long as they donated to interest groups and political-action committees rather than to campaigns.

By requiring the state to treat alike *categories* of speakers — corporations and individuals — the Supreme Court began to go far beyond preventing discrimination based on viewpoint or the identity of an individual speaker. “Once a defense of the powerless, the First Amendment over the last hundred years has mainly become a weapon of the powerful,” MacKinnon, now a law professor at the University of Michigan, wrote in “The Free Speech Century,” a 2018 essay collection. Instead of “radicals, artists and activists, socialists and pacifists, the excluded and the dispossessed,” she wrote, the First Amendment now serves “authoritarians, racists and misogynists, Nazis and Klansmen, pornographers and corporations buying elections.” In the same year, Justice Elena Kagan warned that the court’s conservative majority was “weaponizing the First Amendment” in the service of corporate interests, in a dissent to a ruling against labor unions.

If Trump’s deeply conservative third Supreme Court nominee, Amy Coney Barrett, is confirmed, the court will most likely become more committed to its path of using the First Amendment to empower corporations. Somewhere along the way, the conservative majority has lost sight of an essential point: The purpose of free speech is to further democratic participation. “The crucial function of protecting speech is to give persons the sense that the government is theirs, which we might call democratic legitimation,” says the Yale law professor Robert Post. “Campbell Soup Company can’t experience democratic legitimation. But a person can. If we lose one election, we can win the next one. We can continue to identify with the democratic process so long as we’re given the opportunity to shape public opinion. That’s why we have the First Amendment.”

On May 16, 2017, Fox News posted an article that drew on a report from the local Fox station in Washington, laying out a conspiracy theory about the death of Seth Rich, a staff member at the Democratic National Committee who was apparently the victim of an attempted street robbery. The story falsely implicated Rich in the Russian hacking of committee emails, which were released by WikiLeaks during the 2016 presidential campaign. Sean Hannity amplified the lies about Rich on his Fox News show that night and the former House speaker Newt Gingrich repeated them on “Fox & Friends” a few days later. The falsehoods spread to conspiracy websites and social media. Fox News retracted its false report online a week later, but “Fox & Friends” did not; Hannity said on his radio show, “I retracted nothing.” An ABC affiliate owned by the Sinclair Broadcast Group, a conservative owner of local TV stations, then aired another report on the Rich conspiracy theory, which the local Fox station covered, giving it life for another news cycle.

In a 2018 book, “Network Propaganda,” Yochai Benkler, a director of the Berkman Klein Center at Harvard, and two researchers there, Robert Faris and Hal Roberts, mapped the spread of political disinformation in the United States from 2015 to 2018. Analyzing the hyperlinks of four million news articles, the three authors found that the conservative media did not counter lies and distortions, but rather recycled them from one outlet to the next, on TV and radio and through like-minded websites.

The dearth of competition for factual accuracy among conservative outlets leaves their audiences vulnerable to disinformation even if the mainstream news media combats it. People are more likely to believe fact-checking from a source that speaks against its apparent political interest, research shows. In the eyes of many conservatives, news outlets like The Washington Post, The New York Times and CNN do not fill that role when they challenge a story that Trump and Fox News promote.

Mainstream publications also make mistakes or run with a hyped narrative. The repeated front-page coverage that The New York Times gave to Hillary Clinton’s use of a private email server, after breaking the story, shadowed her defeat in 2016. It was also skewered by press critics — an example of how competing outlets challenge and correct one another (even if the system sometimes fails in real time). This “reality-check dynamic” in the mainstream and left-leaning media, Benkler, Faris and Roberts write, “still leaves plenty of room for partisanship.” But the standards of journalism, however flawed, appear to “significantly constrain disinformation.”

In the past, ensuring a vibrant free press made up of competing outlets was an express aim of federal policy. From the founding until the early 20th century, Congress lowered the cost of starting and running a newspaper or magazine by setting low postage rates for mailed copies. The advent of radio

A demonstration at the Lincoln Memorial after the Supreme Court’s *Citizens United* decision in 2010.



The political philosopher Hannah Arendt, the author of the 1951 book “The Origins of Totalitarianism.”



'Good ideas do not necessarily triumph in the marketplace of ideas.'

raised questions about how to foster competition and public access. "Lawmakers of both parties recognized the danger that an information chokehold poses to democratic self-government," says Ellen P. Goodman, a law professor at Rutgers University. "So policymakers adopted structures to ensure diversity of ownership, local control of media and public broadcasting."

In 1927, when Congress created the licensing system for exclusive rights to the broadcast spectrum, so that radio broadcasters could secure a place on the dial, lawmakers told broadcasters to act "as if people of a community should own a station." The 1934 Communications Act similarly required anyone with a broadcast license to operate in the "public interest" and allocated spectrum based on ensuring that local communities had their own stations. In 1949, the Federal Communications Commission established the fairness doctrine, which interpreted operating in the public interest to require broadcasters to cover major public-policy debates and present multiple points of view. And in 1967, Congress created and funded the Corporation for Public Broadcasting, whose mission is to "promote an educated and informed civil society," and reserved broadcast spectrum for local NPR and PBS stations.

During these decades, broadcasters were held to a standard of public trusteeship, in which the right to use the airwaves came with a mandate to provide for democratic discourse. Broadcasters made money — lots of it — but profit wasn't their only reason for existing. "The networks had a public-service obligation, and when they went to get their licenses renewed, the news divisions fulfilled that," says Matthew Gentzkow, an economist at Stanford who studies trust in information. The model coincided with a rare period, in American history, of relatively high levels of trust in media and low levels of political polarization.

But public trusteeship for broadcast and diverse ownership began to unravel with the libertarian shift of the Reagan era. In the mid-1980s, the administration waived the F.C.C. rule that barred a single entity from owning a TV station and a daily newspaper in the same local market to allow Rupert Murdoch to continue to own The New York Post and The Boston Herald after he bought his first broadcast TV stations in New York and Boston.

The F.C.C. repealed the fairness doctrine, which had required broadcasters to include multiple points of view, in 1987. "When that went, that was the beginning of the complete triumph, in media, of the libertarian view of the First Amendment," the Rutgers law professor Goodman says.

Murdoch and Roger Ailes, a former Nixon campaign adviser, started Fox News as the first TV network to cultivate a conservative audience in 1996. A decade later, studies showed what has become known as the Fox News Effect: After a local cable system adds Fox News to the lineup, voters in the vicinity tend to shift toward Republican candidates. As Trump's ally and frequent platform, Fox News can help shift its audience's behavior toward his views even when they may risk public health. In a study this year, a team of economists, controlling for other factors, found that communities with higher numbers of Fox News viewers were less likely to comply with stay-at-home orders to fight coronavirus.

In the early '90s, David D. Smith, a conservative who inherited the Sinclair Broadcast Group from his father, bought a second local TV station in Pittsburgh, despite a federal regulation barring the ownership of more than one station in a local market. In Baltimore, Sinclair got around the same rule by creating another company, Glencairn, controlled by Smith's mother and an employee. Sinclair is growing as local journalism is hollowing out: About 1,800 metro and community newspapers have closed or merged since 2004. Sinclair is now the largest station owner in swing states.

More than three-quarters of Americans say they trust local TV news, according to a recent survey by the Poynter Institute. Sinclair owns local affiliates of CBS, ABC, NBC and the CW, as well as Fox, so its partisan leanings aren't immediately apparent. But they're there. "We are here to deliver your message — period," Smith reportedly told Trump during the 2016 campaign. In early 2018, dozens of Sinclair newscasters across the country echoed Trump's diatribes against the press by reading from the same script warning of "fake stories" from "some members" of the media. (Deadspin captured the repetition of the script in an eerie video montage.) In July, Sinclair released online an interview with Judy Mikovits, a conspiracy theorist who has accused Dr. Anthony Fauci of manufacturing the coronavirus. When the segment drew criticism, the company canceled the planned on-air broadcast but called itself "a supporter of free speech and a marketplace of ideas and viewpoints, even if incredibly controversial."

The founding ethos of the internet was to treat sources of information equally. Cut loose from traditional gatekeepers — the publishing industry and the government — the web would provide the world's first neutral delivery of content. But in short order, the libertarian principles that weakened media regulation allowed a few American tech companies to become the new gatekeepers. The United States gave platforms like Google, Facebook and Twitter free rein to grow. Google bought YouTube. Facebook bought Instagram and WhatsApp.

The business model for the dominant platforms depends on keeping users engaged online. Content that prompts hot emotion tends to succeed at generating clicks and shares, and that's what the platforms' algorithms tend to promote. Lies go viral more quickly than true statements, research shows.

In many ways, social media sites today function as the public square. But legally speaking, internet platforms can restrict free speech far more than the government can. They're like malls, where private owners police conduct. Facebook, YouTube and Twitter have guidelines that moderate content that could drive away users, including spam and pornography, and also certain forms of harassment, hate speech, fake engagement or misrepresentation and violent extremism. But for years, the companies enforced these rules subjectively and unevenly — allowing for explosions of anti-Semitic memes and targeted harassment of women, for example.

Mark Zuckerberg of Facebook and Jack Dorsey of Twitter have each said that their sites cannot be "arbiters of truth" and make important exceptions to their guidelines. Facebook leaves up content, including hate speech, that breaks the rules when it decides it's newsworthy, because it's a post from a politician or a public figure. "In the same way that news outlets will report what a politician says," Zuckerberg said in a Facebook post in June, "we think people should generally be able to see it for themselves on our platforms."

Social media sites have leaned on First Amendment principles to keep secret the identities of people who appear to abuse their services. Following the right-wing news coverage of the conspiracy theory about Seth Rich, his brother subpoenaed Twitter, in a defamation suit against media companies, to uncover the name of the person behind the Twitter account @whysprtech, alleging that person sent to Fox News a forged F.B.I. document about Rich's case. Twitter fought back in court, saying that unmasking @whysprtech would chill speech by violating what the platform's lawyers called a constitutional right to be anonymous. This month, a judge ordered Twitter to reveal information that could unmask the person or people behind @whysprtech.

Over the past two months, as Trump attacked mail-in voting and the validity of the November election results, Facebook, YouTube and Twitter said they would impose a few more controls on speech about voting. The platforms expanded or reaffirmed their policies for removing a narrow category of content that misleads people about how to vote — for example, by saying you can fill out a ballot online.

In September, Facebook and YouTube joined Twitter in adding labels to content that a fact check has noted could undermine the results of the election or mislead about the results. (Facebook (Continued on Page 41))

COVID-19 HAS REVEALED
THE DEPTHS OF THE
NATION'S RENTAL HOUSING
CRISIS — BUT A GROUP OF
MINNEAPOLIS TENANTS HAS
SHOWN THAT A DIFFERENT
FUTURE IS POSSIBLE.

BY MATTHEW DESMOND
PHOTOGRAPHS BY ALEC SOTH

Evicting the Landlord

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Last May,

Minneapolis City Council members found their leather seats on the raised dais and looked out at the chamber. Instead of an expanse of empty chairs, they saw a sea of faces: about 80 of them in all, young and old, Black, Latino, Asian, white. Council meetings are public, but the public didn't usually show up, so council members debated among themselves about whether they should suspend the rules and allow time for the group — it was evident that the chamber was filled with a single, unified group — to have their say. The members deliberated for 20 minutes before deciding that the people could have 10.

Vanessa del Campo Chacón rose to speak. An immigrant from Veracruz, Mexico, who ran an in-home day care from her small apartment, Chacón spoke in Spanish, and a bearded young man knelt by her side and translated. This was Roberto de la Riva, co-director of Inquilinxs Unidxs por Justicia (United Renters for Justice), a tenants' rights organization that also goes by the abbreviation IX. "I'm hours or days from being evicted, and I don't think the city has deemed this pertinent enough to be involved and to take responsibility," Chacón said. "We want dignified homes," she continued. "I'm asking for my daughter and for all the families that are here." As she spoke, two other tenants approached the dais and, standing behind the council members, unfurled a huge yellow banner that read, "Don't Evict Vanessa."

"I'm sorry," the council president, Lisa Bender, interjected. "We can't allow people to come back behind the dais." A white woman with brown curls, Bender had garnered national attention for her ideas about how to promote affordable housing in Minneapolis. She was sympathetic to the tenants, but she also had a meeting to run. Before Bender could finish, the room erupted in chants. A Black man in a beret stood up and boomed: "If we don't get it?"

"Shut it down!" the people in the room answered, again and again.

After a bailiff escorted the tenants off the dais, Vanessa's neighbor, Chloé Jackson, approached the lectern, pressing her hands together as if in prayer. A Black woman with plastic-rimmed glasses, Jackson was raising her teenage son, Trayvon, on the \$15.69-an-hour wage she earned at the airport iStore. "We don't know exactly how long any of us have," Jackson said. "So, what are you guys going to do to step up to help us?" She looked at the council, waiting. "You guys get to go home tonight, sleep in the comfort of your beds," she said. "We have to wonder about this every single night."

This was not the first time Jackson and IX organizers had confronted the City Council. For

years, Jackson, Chacón and other residents of five buildings in the city's Corcoran neighborhood had been involved in a prolonged battle against their landlord, Stephen Frenz, and his business partner, Spiros Zorbalas. The tenants had mobilized for better conditions, resisted evictions and participated in a rent strike. They had banded together and pushed the City Council to revoke Frenz's rental license. It eventually did, stripping his ability to collect rent. But Frenz still owned the apartments where Jackson and Chacón lived. He wanted everybody out so he could renovate and sell to the highest bidder. The tenants had another idea: They wanted Frenz to sell to them.

Today, in the pandemic economy, millions of renters are at risk of eviction. Even the expanded provisions supplied by the CARES Act — the \$600-a-week supplements to states' stingy unemployment insurance — weren't doing enough to shield many renting families from homelessness. In May, Houston approved \$15 million in rental assistance; it ran out in less than two hours. In June, cities like Cleveland and Milwaukee saw evictions spike well above average levels when local eviction moratoriums and other protections expired. The next month, the United States experienced the largest economic downturn on record and unemployment levels unseen since the Great Depression. Congress allowed federal moratoriums on eviction and unemployment benefits to lapse anyway. In August, the mayor of New Orleans asked for donations to hold back the swell of evictions in her city. During the first week of September, right before the federal moratorium issued by the Centers for Disease Control kicked in, eviction filings exceeded the norm by 13 percent in Pittsburgh; by 119 percent in Fort Worth; and by 310 percent in Richmond, Va. According to the latest data from the Household Pulse Survey, more than one in six unemployed tenants has fallen behind in rent payments, and 45 percent of all renters think they will probably be evicted from their homes in the coming months.

Watching this looming eviction crisis take shape, I've often thought of those Minneapolis tenants, whom I followed over the last year and a half. I went to report on them — the security guards, store clerks and night-shift custodians — because I wanted to see what happened when a group of tenants organized against a pair of landlords who owned hundreds of apartments generating, as of 2016, a net operating income of approximately \$300,000 a month (or \$3.6 million annually). Over the course of my reporting, I saw the tenants reimagine — and then reinvent — what stable, affordable housing could look like in their community. I saw them fight, and I saw them win.

As the pandemic spreads throughout the country, further exposing our vulnerabilities and inequalities, many of us are grasping for something new. Calmer heads of different stripes present solutions they believe to be realistic, asking

only for what seems possible. But it's not their lives on the line. For well-to-do moderates, anti-poverty solutions are ideas, conversation topics. For the poor, they are oxygen. Besides, who gets to decide what is workable and what is not? Don't we have to admit that in America the dreams of the rich often become realities (carried interest, unlimited incomes), while the dreams of the poor are dismissed as outlandish?

In the collective pain of this moment, when our days are filled with death and fear, a new America is being conceived of and demanded. But moments are made by movements. If we want to change the world, it could be instructive to pay attention to a group of people who have radically changed their own.

Near the end of 2017, Roberto de la Riva knocked on Chloé Jackson's door on 22nd Avenue South. Jackson opened the door, sighed and asked, "Why do you people keep knocking?"

Born and raised on the South Side of Chicago, Jackson moved to Minneapolis in 2013, after the Mall of America hired her in its housekeeping department. She was 28 and had an 8-year-old son. Three years earlier, she became the legal guardian of three teenagers, after their mother, Jackson's aunt, died. She and her boyfriend kept food on the table — she worked at McDonald's; he was a mechanic — until all three of her cousins were out of the house. By that time, she needed a break and figured a new city might do the trick.

In Minneapolis, she found a \$625-a-month, one-bedroom apartment in the Corcoran neighborhood, within walking distance of the Lake Street light-rail stop. Giving her son the bedroom, Jackson slept in the living room by a pinkish-orange salt lamp and an 8-by-10-inch photograph of her mother. Jackson took a series of jobs, finally landing at the airport iStore, where she was working full time when de la Riva knocked on her door. As its assistant manager, Jackson woke up at 2:30 each morning; got breakfast ready for her son; fed her cat, Kitty; and hopped on the light rail to the airport, arriving at 3:40 a.m. to open the store.

When Jackson first moved in, she found her landlord, Stephen Frenz, to be fairly responsive. But seeing the condition of the units inhabited by her neighbors, many of them undocumented immigrants, changed her perspective. Jackson often pulled out a bucket or two to catch the leaks. But to sit at a neighbor's table for coffee, she often had to step over some half-dozen buckets. Many units had roaches and mice, filthy carpets. (Frenz told me that Jackson's leak and those of other tenants were mended and that tenants' lack of cleanliness caused the pest infestations.) "I felt so bad," Jackson remembered. "These are people who didn't know English, and I felt like this man was taking advantage of them."

Still, Jackson didn't see herself as the protesting type. She had never signed a petition or taken

part in any kind of political organization. But de la Riva was telling her to stop paying rent. She leaned against her door frame and listened.

IX had brought a lawsuit against Frenz called an Emergency Tenant Remedies Action, or E.T.R.A., suing him for repairs and damages. It was one of the first major actions the tenants' organization had taken since de la Riva founded the group in 2015 with Jennifer Arnold. De la Riva explained that after they filed suit, Frenz challenged whether IX had secured the cooperation of a majority of the building's residents, as required by state law. To prove it, Frenz submitted leases and a record of a noise complaint for units unaccounted for in IX's lawsuit. Members of IX's legal team toured the building and were shown one unit with children's shoes outside the door. But they noticed discrepancies in Frenz's account. Inside that unit, there were no trappings of a lived-in home, like toys and books. Some pest-control records listed certain apartments as vacant, but reissued invoices removed that designation. IX's lawyers subpoenaed the utility company and discovered that the apartment units they suspected were vacant had no electricity accounts. It appeared to be fraud designed to kneecap the tenants' E.T.R.A. case. (Frenz declined to comment on

these events, which eventually led to a perjury conviction that Frenz is currently appealing.)

IX's lawyers also noticed that the building listed Spiros Zorbalas as the party responsible for the mortgage. That gave them pause. Zorbalas had acquired a reputation as one of the city's most infamous landlords, racking up a large number of housing-code violations. A local paper had called him "the Slumlord of South Minneapolis," and in 2011 the city of Minneapolis revoked his rental license. When Frenz appeared to purchase around 35 apartment buildings from Zorbalas in 2013, he assured city leaders that Zorbalas had no financial stake in his former properties. But now here was Zorbalas's name on the mortgage records. The tenants' lawyers dug into stacks of public records and discovered that corporate entities owned by Zorbalas owned a majority stake in Equity Residential Holdings, which Frenz managed. In other words, to get around the city's sanctions, Zorbalas had effectively, as IX's lead lawyer put it, "sold buildings to himself."

It's not hard to understand why. Zorbalas had bought a considerable amount of troubled debt from Frenz, and without Frenz, Zorbalas might have had to liquidate his entire Minneapolis portfolio, comprising hundreds of units. "The money I was making, I was rolling," Zorbalas told me. "I was taking rent from \$500 to \$695 a month as soon as I could without doing any renovations." The men were in too deep to walk away when it became apparent that the city no longer approved of their partnership. Ultimately, too, they thought the city was overstepping. "I had

no reason to declare to the world that I was in business with Spiros," Frenz told me. When I asked him if he had concealed his business partnership with Zorbalas in court, he said: "Of course I did. But it wasn't relevant at that time."

The revelation that Frenz was in business with Zorbalas set off a chain of events. Tenants brought a class-action lawsuit against the two landlords, seeking the return of their rent. Then, in December 2017, the city revoked Frenz's rental license, and with it, his legal ability to collect rent — which was why, de la Riva was explaining, Jackson and her neighbors should not pay Frenz anything.

Jackson thanked de la Riva and closed the door. She thought about what she had seen and experienced since moving into the apartment. She thought about Trayvon. Later that day, Jackson spoke with one neighbor, then another, about what de la Riva had said. To get across language barriers with her neighbors, she used Google Translate or enlisted a bilingual teenager.

The court soon installed an administrator to oversee Frenz's five buildings in Corcoran, which came to be known as the Corcoran Five, and tenants paid the administrator their normal rents. The Five were not much to look at. Built in 1962, Jackson's building was a nondescript, three-story brick rectangle with air-conditioning units tilting out the windows. Chacón's building, two doors down, was wrapped in dark gray vertical siding and had small concrete balconies. Windows were broken, and appliances had been removed from some vacant units. Tenants couldn't miss the large, homely signs Frenz had affixed to the front of each property advertising his business, the Apartment Shop. Still, all the buildings were on the same block, and the tenants had made a home in them. As families discussed ways to stay put, some entertained the ludicrous possibility of collectively owning the Five. No one knew how they'd do it, but then again, the tenants had become familiar with that feeling. They had begun to act upon their dreams, not their reality — to hold an end in view and figure out the means along the way.

Jackson began warming to the idea of buying the properties. She had long tried to avoid this path, hoping to live a quiet life. But haltingly at first, then all at once, Jackson was becoming, as they say in the movement, "politicized."

A new kind of housing movement has been growing across America. In city after city, renters have begun to see themselves as a class, with shared interests and problems, and to organize together against evictions, profit-centered development and landlord disinvestment. When Covid-19 hit the United States, the country was already reeling from a severe housing crisis. Tenant organizers doubled their efforts. "People are more desperate because of the Covid outbreak," says Lisa Owens, executive director of Boston's City Life/

Opening pages: The night after tenants of the Corcoran Five apartment buildings, in Minneapolis, bought the buildings, they removed their landlord's signs in celebration — their first major act of collective ownership. Below: Chloé Jackson, a resident and organizer of the Corcoran Five.



Vida Urbana, a community organization that was founded in 1973. “But they are also way more organized.” The reason they are more organized has to do with the Great Recession.

The foreclosure crisis of the late aughts displaced millions of families, renters included. In California, for example, an estimated 38 percent of all foreclosures in 2010 were rental properties. In the lead-up to the housing crash, predatory lenders targeted Black and Latino communities, pressuring residents to refinance under riskier conditions. By 2006, more than half (53 percent) of all home mortgages purchased by Black borrowers were subprime, compared with 26 percent of mortgages purchased by white borrowers. “It was like a tsunami,” says Andres Del Castillo, who was an organizer for City Life in East Boston when I spoke to him. “The recession was the wealth in our communities being pulled out and put into this tidal wave that crashed down and rearranged the landscape. All that wealth was poured back to investors to buy up our neighborhoods.”

Rents continued to rise after 2010, pushed upward in part by foreclosed-homeowners-turned-tenants entering the market. Nationwide, median asking rent has more than doubled over the last two decades — rising to \$1,002 in 2019 from \$483 in 2000, unadjusted for inflation — significantly outpacing renters’ incomes. In 2016 alone, 3.7 million eviction cases were filed, representing just over eight eviction cases per 100 renter households. This number far exceeds the 2.9 million foreclosure starts issued at the height of the 2010 crisis. Tenant groups tried to sound the alarm, but the national media had moved on from stories about housing. So, the organizers got to work, forming alliances and establishing infrastructure.

“We’re in a 1920s moment where we might see massive tenant actions around the country that could unfold over the next several years,” says Tony Samara, program director for land use and housing at Urban Habitat. With millions of Americans unable to make rent because of job losses or reduced work hours, national and local tenant organizers called for rents to be canceled, harking back to rent strikes that swept across cities during the Great Depression. “I see people beginning to enunciate what a different world can be in this crisis,” says Davin Cárdenas, a field organizer for the Right to the City Alliance, a national organization focused on tenant rights. “Many people are rejecting the idea of normalcy. Normal was the problem in the first place.”

When Covid struck, many groups, including the National Apartment Association and the National Low Income Housing Coalition, called for a significant government expansion of rental assistance. But some tenant organizers began discussing the possibility of something else: a nationwide rent strike. “You’re going to apply for

a huge bunch of money, just so you can pay it back to your landlord?” de la Riva asked, speaking about a stimulus package for renters. “There is a different power relationship that we’re asking of society right now.”

Many people, liberals and conservatives alike, saw a rent strike as unreasonable, even dangerous. Political allies warned de la Riva and his co-director, Jennifer Arnold, not to support the Cancel the Rent campaign while Covid was a concern. The same happened to Susanna Blankley, an organizer for the Right to Counsel NYC Coalition. “I can’t even tell you, not only did people on the left tell us it’s unrealistic,” she says, “they told us it’s reckless. Reckless! But I think the point is that anything is possible, actually. Now we have an eviction moratorium. Everything is impossible until it’s not. I want to be in a world where we’re thinking about what we need, not just what we think we can get.”

In May, tenant groups around the country coordinated a gigantic rent strike. Twenty thousand renters in New York City and Los Angeles alone pledged to withhold their rent. In July, tenants in New Orleans blocked entrances to a courthouse after the state’s eviction moratorium expired, protesting displacement. Rent strikes and eviction blockades have continued throughout the pandemic — just as they did almost 100 years ago, during the worst economic collapse in the history of the modern world.

Throughout the 20th century, America’s urban renters organized against rent gouging and unsafe conditions, winning significant victories. Rent strikes organized during the early 1900s in response to sudden rent hikes and, later, the lack of heat and hot water, grabbed the attention of the Socialist Party, which had overlooked tenants as a potential revolutionary force. Socialist-led tenant leagues began demanding permanently affordable housing supported by the state. In 1923, America’s first public housing project was completed in Milwaukee under the direction of its Socialist mayor, Daniel Hoan, but by 1930 the United



Stephen Frenz, the landlord from whom Corcoran residents bought their apartment buildings.

States remained the only developed democracy without a federal commitment to housing.

As the housing and labor markets simultaneously cratered during the Great Depression, the campaign for public housing accelerated. In the early years of the Depression, thousands of tenants participated in rent strikes and eviction blockades. The urban tenant movement grew more militant, and the violence of displacement was met with violent resistance.

When marshals arrived with eviction orders, tenants hurled rocks and bottles from behind makeshift barricades. Some charged directly at the officers, attacking them with sticks. An account from a Bronx newspaper in 1932 recalls a scene where “policemen were scratched, bitten, kicked, and their uniforms torn” by tenants refusing to be evicted. In cities like New York, these efforts forced legislators to pass rent-regulation measures and to begin building social housing. Congress responded as well, passing the National Housing Act of 1934, in large part to stem a wave of Depression-era foreclosures, and the Housing Act of 1937, which seeded the nation’s

public-housing infrastructure. Today, more than two million Americans live in public housing.

As the 20th century rolled on, tenant movements won more concessions. By the early 1980s, roughly 200 cities, including Boston, Los Angeles and Washington, had passed some form of rent control, but those advances were already being eroded. In the late '60s, New York City experienced an alarming surge in housing abandonment, attributed to landlords' inability to maintain their buildings under rent control. In 1971, Governor Rockefeller revised the state's policy to limit the city's ability to regulate its rents. New York City's strict system of rent control was replaced with a new system of rent stabilization, which allowed landlords to increase the rent each year by a set percentage. Across the country, one state legislature after another passed laws forbidding cities to enact rent control. The affected cities — like Boston and Cambridge, Mass., stripped of rent control in 1994 by state mandate; and Berkeley and East Palo Alto, Calif., denied the following year in the same manner — were starkly more progressive than the state legislatures directing their fates. In 1961, nearly 1.8 million units in New York City — more than eight of every 10 apartments — were under rent control. By 2017, only 21,751 were. Today, approximately half the city's apartments are rent-stabilized.

As states rolled back rent control, the federal government under the direction of President Reagan slashed funding for public housing, causing many buildings to fall into disrepair. By the end of the 20th century, the two major victories of the American tenants' movement — rent control and public housing — were in serious jeopardy, and the movement itself was browbeaten and stalled.

But since the Great Recession, America has witnessed a resurgence of tenant power. When the Right to the City Alliance launched its Homes for All campaign in 2013, it had 18 member organizations from 15 states. Today, it has 91 member organizations in 48 cities from 26 states. The newest member organizations have come from Nebraska, Colorado and Tennessee, reflecting the nationwide spread of the housing crisis and renters organizing in response to it.

What do tenant organizations want? Sometimes, groups like IX simply want a landlord to pick up the phone, to rid a building of cockroaches or to settle for a smaller rent increase. The movement is rooted in specific buildings, which is why tenant organizers have the habit of cataloging wins and losses by addresses. ("At 3130 Pillsbury," de la Riva once told me, "we won so many improvements that the buildings are now attracting *gueros con perros*," white people with dogs.)

But as with all social movements, the smaller battles are never divorced from a grander vision. The sociologist Todd Gitlin once said that racially integrated lunch-counter sit-ins didn't just protest segregation but abolished it, inaugurating "a

new way of life," a "little utopia." In the same way, when tenants gain a bit more control over their homes, they move one step closer to securing full control over them. This is the world that many tenant movements are working to bring about.

Landlords have taken notice of the rise of tenant mobilization. "It's a bigger part of the conversation today," said Robert Pinnegar, president and chief executive of the National Apartment Association, a trade organization for the rental housing industry. "The adversarial environment really is taking a toll on the people who run the rental housing." Although corporate landlords have increased their market share, landlordism in America remains an intimate business. An analysis based on nationally representative data from 2015 estimated that of the 48.5 million rental units in the country, a little less than half (47 percent) were owned by individuals, and the rest were owned by businesses, from small-scale ventures that managed a handful of units to major players that managed hundreds. As such, many landlords are actively involved in the everyday business of property management, from the price of drywall and lumber to local politics, which can get ugly.

In August of last year, IX staged a protest at the headquarters of the Minnesota Multi Housing Association, an organization representing rental property owners and developers. Tenants hung a giant banner that read "People Not Profits" and chanted, "Down with the landlords!" Later that month, tenants and landlords packed City Hall during deliberations about a proposed local ordinance that would cap security deposits and restrict tenant-screening criteria. Some landlords who testified were booed. "Imagine you invest your time and energy and your heart into this, and then that's the response," says Joe Abraham, one of the landlords who testified. Abraham is the principal of Pergola Management, which owns 750 units in the Twin Cities. "It's like a punch in the face."

**'IN OUR VISION OF
THE WORLD, THERE ISN'T
A PROFIT MOTIVE
CONNECTED TO HOUSING,
PERIOD. HOUSING IS
TRULY A PUBLIC GOOD.'**

To property owners like Abraham, Stephen Frenz no more represented the typical property owner than IX represented the typical renter. "There is a very small number of people who are engaged," Bernadette Hornig says about tenant organizers. Hornig's company, started by her

husband's grandparents in 1958, owned approximately 4,500 apartments in Minnesota and Wisconsin. "It's rage politics. It's the idea that you have to tear everything down in order to build it back up," she says. "I don't believe that." These property owners saw increasing supply as the solution to the housing crunch. "We agree on the problem," Abraham says. But he thought the solutions proposed by tenant organizers aren't "workable in the world that we live in."

One of those solutions is the creation of democratically controlled affordable housing. "We want to transition from this extractive model that takes away people's wages and forces them to live paycheck to paycheck to a model that's regenerative," says Davin Cárdenas, of the Right to the City Alliance. "People would have control over the communities that they live in." Tara Raghuvier, the director for People's Action's Homes Guarantee campaign, a grass-roots movement striving to establish the right to housing, puts it this way: "In our vision of the world, there isn't a profit motive connected to housing, period. Housing is truly a public good." (Disclosure: I worked with Raghuvier on her undergraduate thesis.) In this world, there is no whatever-the-market-will-bear rent setting. Indeed, there are no landlords. But the end goal isn't simply to transform all renters into homeowners, each family on its own mortgage, but to reform the fundamental way we live by decommodifying housing.

"Commoning" is the term, and its little utopia is the creation of homes that are collectively owned and controlled by the residents. Within this framework, housing is neither for speculating nor profiteering, nor even wealth building; it is only for living. In Minneapolis, IX is pursuing tenant-owned cooperatives. A popular version of this model, known as "limited-equity cooperatives," involves residents' purchasing co-op shares and paying low monthly fees to cover the building's upkeep. If a family moves out, it can sell its share for slightly above the original purchase price, but only slightly. Bidding up the sale, even if there are plenty of takers, is seen as anathema to the social mission of the cooperative, which is to establish permanently affordable housing.

Decommodifying housing would "destabilize an entire industry, not to mention affecting pension funds invested in rental housing," says Pinnegar of the National Apartment Association. An estimated 87 million Americans own real estate investment trusts through their savings portfolios.

But there is a long tradition of commoning in urban America. Starting in the late '60s, poor New Yorkers began rehabilitating apartment buildings abandoned by their landlords, many damaged by fire and years of neglect. You could earn a spot in the buildings through "sweat equity," pitching in with time and labor. The city got behind these

efforts, transferring the title of dozens of buildings to tenant organizations that created co-ops. A decade later, in Washington, low-income tenants, led primarily by Black women, began “carving out the commons,” echoing the title of Amanda Huron’s instructive book. Between late 1979 and late 1980, tenants created 17 limited-equity cooperatives in the nation’s capital, comprising 1,000 units, often buying run-down properties and sprucing them up themselves.

The push for cooperative ownership is just one of many areas in which tenant organizations have won significant victories throughout the country. Rent control has made a comeback in California, Oregon and New York, and tenant movements have gained considerable ground in cities across nation. In Boston, City Life/Vida Urbana has successfully prevented thousands of families from losing their homes to foreclosure or eviction through a “sword and shield” strategy that combines community organizing and public demonstrations (the sword) with coordinated legal support (the shield). “We’re committed to showing our community that they can fight,” says Andres Del Castillo. “It’s not just bottled up in lawyers and professionals.”

In New York, low-income tenants formed the Community Action for Safe Apartments (CASA) in the South Bronx and in 2013 began a grassroots campaign for the right to legal counsel in eviction court. (Because the right to a lawyer extends only to criminal court, nationwide a vast majority of tenants facing eviction lack legal counsel.) Tenants in neon orange shirts began showing up everywhere, from university functions to City Council meetings, and expressed zero interest in compromising. Mayor Bill de Blasio introduced a plan that would significantly increase funding for eviction defense. But the tenants didn’t want more money; they wanted the right to a lawyer. They won that right, which at the time did not exist anywhere else in America, in August 2017. As of February of this year, evictions are down 40 percent in New York City since 2013.

Another thing that organizers have won is elections. The progressive agendas of several newly elected members of Congress were forged by community organizations. The Massachusetts congresswoman Ayanna Pressley’s mother, Sandra Pressley, was a tenant advocate for the Chicago Urban League. Before running for office, the Michigan congresswoman Rashida Tlaib worked for Detroit’s Arab Community Center for Economic and Social Services, planting lawn signs and protesting against racial injustice. In January of this year, Representatives Pressley and Tlaib joined five other members of the Congressional Progressive Caucus to start the People’s Housing Platform. The legislation established housing as a human right and introduced aggressive measures to

deepen national investment in public housing and expand tenant rights.

It becomes increasingly difficult to convince people of the infeasibility of their goals when they witness one outlandish idea after another become reality.

In 2018 the Minneapolis tenants began working on an offer to buy the Corcoran Five. IX approached Land Bank Twin Cities, a collection of real estate speculators whose goal is not to maximize profit but to preserve affordable housing. The land bank raises capital through a variety of means — grants, lines of credit, leveraging real-estate assets — and uses that money to acquire properties to benefit people with low to moderate incomes.

IX was making a “big ask,” says Eddie Landenberger, vice president and senior program manager of Land Bank Twin Cities. The Corcoran Five were, well, five whole buildings and in “bad shape.” On the other hand, Land Bank recognized that the Five were “naturally occurring affordable housing,” or NOAH, an in-demand and fairly safe investment. Landenberger estimated that a new apartment development in Minneapolis costs between \$245,000 and \$265,000 per unit to build, while NOAH units were traded at between \$100,000 and \$125,000 per unit. Preserving affordable housing built in the 1960s or 1970s was much more cost-effective than trying to build new housing for low-income renters. Landenberger and his colleagues began putting together an offer.

‘THERE WAS A TIME WHEN WE WERE JUST NEIGHBORS, NOT REALLY TALKING TO EACH OTHER. NOW, WE’RE A FAMILY.’

The tenants waited and hoped. But on July 31, the court-appointed administrator was dismissed and control of the buildings reverted back to the company Frenz managed. On that exact day, Frenz notified a number of tenants that their leases would be terminated, delivering the notices himself. In the heady days that followed, the Corcoran tenants came to a decision. If Frenz could not legally collect their rent because his license had been revoked, they would not pay him. The Corcoran Five entered a rent strike. Forty-nine families in all five buildings participated, each unit giving Frenz nothing but dedicating \$300 a month toward repairs and, possibly, for purchasing the buildings.

Several tense months passed. Then in October it was announced that Frenz and Zorbalas had settled the class-action lawsuit for \$18.5 million, a historic sum. The tenants were shocked.

A lawsuit that began with a humble Emergency Tenant Remedies Action for basic repairs, filed by a pair of fledgling organizers, had ended in a huge payout. More than \$13 million would be distributed to more than 4,400 tenants who had lived in the affected buildings since 2012. The rest would cover legal and administrative fees.

A few months later, the tenants received word that the Land Bank was willing to purchase the Five for \$4.85 million and had agreed to sell the buildings back to the tenants at no interest. The city of Minneapolis estimated the market value of the five apartment buildings to be \$4.57 million that year.

Three days before Christmas, Jackson and a few other tenants drove to Frenz’s home to deliver their offer to purchase. It was bitterly cold, but the tenants were giddy with the possibility of purchasing the Five and finally becoming their own landlords. Jennifer Frenz answered the door and announced to her husband, “Some of your tenants are here.” Frenz invited them in. The tenants handed Frenz an unofficial offer, which they had drafted themselves. “I’ll take a look at it,” Frenz said, adding, “But there has been too much hurt and damage done.” (Frenz doesn’t remember saying this line but believes it was possible he did.) As the tenants turned to go, the Frenzes gave everyone a hug and wished them a happy holiday.

Frenz turned down the offer, finding it too low. So, IX set out to raise more money. They fund-raised \$600,000, mostly in grants from foundations and individual donors, and had stocked away an additional \$18,675 from the rent strike, which ended in July 2019 after a court administrator was reinstalled.

But eviction notices kept coming. The tenants interpreted them as retaliation. Frenz claimed he simply needed everyone out so the buildings could be renovated and sold. Jackson kept her notice to vacate taped to her door but worried that if she did lose the apartment, no other landlord in the city would rent to her, what with her growing profile as Troublemaking Tenant No. 1.

“Sometimes I wonder if it’s even worth it, fighting this fight,” she told me. “I haven’t been able to really live my life. I can’t go out of town and see my mom and sisters, because I’m not sure when the trial will start. This eviction just seems like it has more control over my life than I do.”

Jackson and her neighbors marked the start of summer by planting a garden in a narrow patch of grass that separated two of the Corcoran apartment buildings. They didn’t ask anyone’s permission. It was a quieter kind of protest: making a home of their own, a little utopia.

With negotiations at a standstill, the tenants decided to stage a vigil at Stephen Frenz’s church on a Sunday. On a hot day in July 2019, some 200 people gathered five blocks from Our Lady of Peace Catholic Church and School, wearing shorts and summer hats and carrying signs and baskets of paper flowers. Some donned



Jennifer Arnold and Roberto de la Riva, the founders of Inquilinx Unidos por Justicia.

dance regalia and headdresses made of long, sharp feathers dyed hot pink and turquoise. In a white-striped summer dress, Jackson, who had volunteered to be the event's M.C., turned on a microphone connected to a portable speaker and addressed the crowd. She thanked everyone for their support, then said: "My neighbors and I are going to start a cooperative run by the tenants. We're going to ask the church members to stand in solidarity with all of us."

The crowd began marching down the street. There were parents with children on their shoulders, young people wearing skullcaps, middle-age pastors in clerical collars and older people holding sun umbrellas. A group of marchers pounded drums and cymbals as the crowd sang. Our Lady of Peace was holding its outdoor annual feast after Mass, and the crowd met parishioners there. Tenants dispersed among the confused, overwhelmingly white churchgoers, passing out paper flowers, photos of tenants and notes that read: "Steve and Jennifer Frenz, who go to church here with you, are trying to evict 40 families of color. Please join us today to pray for a solution that doesn't break up our community and our families." Some parishioners welcomed the tenants. Others handed the flowers back and called them names. The Frenz family was at a family reunion and not in attendance that day.

"The weapons of the weak are always weak weapons," the French historian Lucien Bianco

once wrote. It's true. Paper flowers, homemade noisemakers: it's not much. As de la Riva told me, "All we have is willpower." But you cannot deny that that was, and has always been, a true power in American life. The tenants and organizers felt this themselves, when they had broken past the fear. "If you're a big landlord doing a lot of evictions," de la Riva added, "we are coming for your portfolios."

After the church vigil, I asked Andrew Fahlstrom, a community organizer with IX, why the group always raised such a fuss. Fahlstrom, flashing a smile, replied, "To remind them that City Hall isn't a place of sun power but moon power." He had first learned of this distinction from Ricardo Levins Morales, a local artist and movement elder. "Sometimes those people forget," Fahlstrom went on. "They think the power comes from them, like they are the sun, sending out the power. But they are like the moon, shining back our power. Our actions remind them that the power comes from the people."

In collaboration with Land Bank Twin Cities, the tenants made a second offer of \$7.085 million in August 2019, which was north of the buildings' estimated market value of \$6.36 million for that year. Purchasing the Corcoran Five would have nullified the eviction process. When the deal didn't materialize, Jackson volunteered to be the first tenant to have her case heard by a jury.

On March 5, 2020, when new Covid cases numbered only in the 60s, a jury heard closing arguments. Jackson sat beside her lawyers from

Mid-Minnesota Legal Aid, wearing a white-and-black polka-dot bow in her hair. Tenants filled the pews in the windowless courtroom. Roberto de la Riva sat scratching his beard. Chacón followed the proceedings through a translator. TeCara Ayler, one of Jackson's closest friends in the movement, was there, her thick black hair dyed pink and yellow. She called the look the Phoenix and would bring it out whenever she felt self-doubt creeping in. "Phoenix coming back," she'd say, working the chemicals in. "Monster is coming back."

The lawyer for Stephen Frenz, Christopher Kalla, went first. He argued that his client simply wanted to clear out his buildings, renovate and sell them on the free market. "That's not retaliation — that's a sound business decision," he said, adding, "Make a little bit of money. Nothing wrong with that." Jackson's lawyer, Luke Grundman, argued that the evictions were in fact retaliatory and illegal. "This case is about a tenant facing eviction because she stood up for herself," he said.

At 11:30, the jury walked out to deliberate, and the tenants found an open space in the courtroom complex to await the verdict. They talked about what they would do if they lost. Jackson smiled. "If we lose, I would like everyone not to think of it as a loss. It happened. OK?" They talked about the vision of the co-op. "In the ideal situation, we have the building for 50 years, and rents go down to \$400," Jennifer Arnold, IX's co-director, said.

"Maybe we could install solar panels. Maybe we could build a school," de la Riva added.

Hours passed, and it began to snow. Around 4:00, the tenants learned that the jury had gone home for the day and let out a collective sigh. As Arnold jogged to the exit to pick up her son, she turned around. "When we fight?" she hollered to her friends, trying to sound optimistic. "We win," the tenants groaned in reply.

They did win. Jackson could stay, for now. The tenants celebrated in the hallway, hugging Jackson and each other. "You know what took them so long?" Ayler said of the jury. "I bet the question they were held up on was: 'Why do the tenants want a raggedly building?' People don't know how to dream."

Two months later, on May 18, Jackson was sitting in her apartment, on a Zoom call with other IX organizers. In the middle of their meeting, several organizers received a simple text from Eddie Landenberger of Land Bank Twin Cities. It read: "We closed." Landenberger's text let everyone know that they had finally done it. They had bought the Corcoran Five.

The tenants yelled and whooped, Ayler the loudest among them.

"Why's everyone screaming?" Jackson's son, Trayvon, asked, coming out of his bedroom. He was 16 now, handsome and half a

Answers to puzzles of 10.11.20

PIR²

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KENKEN

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1	4	5	3	2
3	2	4	5	1
4	3	1	2	5

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6	3	2	1	7	5	4
1	4	6	5	3	7	2
5	6	1	2	4	3	7
3	7	4	6	2	1	5
7	5	3	4	1	2	6
4	2	7	3	5	6	1

ACROSTIC

C(HARLES) C. MANN, FOURTEEN NINETY-ONE —

[T]he Olmec ... lived in cities and towns centered on temple mounds. ... They invented ... systems of writing, established ... trade networks, tracked the orbits of the planets ... and recorded their histories in ... "books" of fig tree bark paper.

- | | | |
|---------------|---------------|----------------|
| A. Calendar | I. Upstart | Q. North wind |
| B. Colonists | J. Rebirth | R. Everett |
| C. Median | K. Tepees | S. Thirtieth |
| D. Adirondack | L. Eisteddfod | T. Yosemite |
| E. New World | M. Ebbets | U. Observe |
| F. Necessity | N. Nightspot | V. "No thanks" |
| G. Folk dance | O. Nettle | W. Ephemeris |
| H. Off-grid | P. Irksome | |

FOR STARTERS

	R	G	U	J	K
W	E	A	P	O	N
E	M	B	R	Y	O
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YIN-YANG

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Answers to puzzle on Page 44

SPELLING BEE
Feathery (3 points). Also: Earth, earthy, ether, eyeteeth, farther, father, feather, hairy, hater, hatter, heart, hearty, heater, heath, heather, hefty, hereafter, rather, reheat, teath, tether, theater, theater, theft, there, thereafter, theta, threat, three. If you found other legitimate dictionary words in the beehive, feel free to include them in your score.

DIAGRAMLESS STARTING HINT

1-Across starts in the fifth square of the top row.

foot taller than Jackson.

"Son, come here," she said. "We closed on the buildings."

"Oh, Mom," he said, reaching out in embrace. "I'm so proud of you."

"All we needed was a chance," de la Riva said. "We had maybe a 4 percent chance of making this work, and we did. When people really come together and put faith in a different kind of system, it's possible."

What are five buildings when we need five million? Can this model really spread across a nation gripped by a deeply entrenched housing crisis? I used to ask questions like this all the time, bleakly setting each small policy idea or local initiative against the towering enormity of the problem it confronted. Great idea, I'd think. Can it scale? Sometimes this line of thinking was productive, but more often it only blunted inspiration, anesthetized action. *Can it scale?* was just another way of asking, *Is it realistic?* which itself was just another way of asking, *Is this social change I'm comfortable with?*

Big structural change begins with small-scale models and grass-roots pressure from below. In past decades, tenant movements didn't just stave off one eviction or lower rent in one apartment building. They won real concessions from the government, from rent control to investments in public housing, improving the lives of families far removed from the front lines of the action. After New York City tenants won the right to a lawyer in eviction court, San Francisco followed suit. Then Newark. Then Cleveland. Then Philadelphia. Home remedies don't stay home for long. They do the double work of effectively easing suffering at the local level and providing a proof of concept for large-scale adoption.

They do something else too. By redefining what

is possible, they teach us how to dream. When tenants fight so hard to defend their homes, they demonstrate that the home is something worth defending. In a country that issues seven eviction notices each minute and has normalized mass homelessness — there are more homeless children today in New York City public schools (114,000) than there are residents in Green Bay, Wis. — this is a radical departure from the norm. When tenants strain to break free of a rental housing market that has brutalized them, they raise urgent questions about the depths and nature of that market's brutality. Is our current system working? Should housing be a commodity? Should it be a human right? Can it ever be both? And by binding their fates to their neighbors' — seeing Jackson's eviction notice as their problem, their responsibly, not hers alone — the tenants show us what real community can look like.

After the Zoom call ended, Jackson sat on her bed and took a deep breath. She felt a mix of relief and worry. It didn't seem real, and when Jackson did allow herself to believe what had happened, she thought of all the work ahead: repairs to be made, a capital campaign to launch. On the Zoom call, she had actually tried to get everyone to focus on the tasks at hand, but no one could. "Wife," Ayler had said, using their term of deep friendship. "I'm so happy for you, wife!" Jackson's thoughts turned to Stephen Frenz. She considered calling him to say thank you. She figured he was busy with the details of the sale, but she wanted him to know that he had, in his own way, given her life deeper purpose and joy. "He taught us how to stick together and stand with each other," she said. "There was a time when we were just neighbors, not really talking to each other. Now, we're a family."

The following evening, around dusk, tenants gathered outside the Corcoran Five to remove Frenz's signs from their homes. ♦

KENKEN

Fill the grid with digits so as not to repeat a digit in any row or column, and so that the digits within each heavily outlined box will produce the target number shown, by using addition, subtraction, multiplication or division, as indicated in the box. A 5x5 grid will use the digits 1–5. A 7x7 grid will use 1–7.

20×	2	2÷	10+	
			5	
1-	12×	11+		
	11+	20×	2÷	

1-		48×		6-		6+
3-	10+		5	11+	2-	
		3÷				13+
630×		4-	6+		4	
				2÷		
2÷		840×				2÷
5	8+			2÷		

Mustache

(Continued from Page 25)

orthodoxy have mutated, over the last four years, into pleas for Black people to stop it with the racism talk, to get over it, essentially. His vision for transcendence of racism, if not race itself, would be easier to share if it didn't appear to lead straight into the arms of racists.

I don't believe in that kind of transcendence. I'm not a Blexiteer, some person who is still convinced that we live in post-racial times. If anything, I'm a Blexistentialist. I encounter something like Barack Obama's "Dreams From My Father," which is steadfastly the opposite of the passing experience, and feast on his decades-long search for a Black self that suits him. It's a finding book, a story of becoming. As the Black tent expands, the people beneath it can keep doing as they've always done — widening its poles.

I have wondered, though, what kind of spiral I would have taken had the friend on that video call, not said "N.A.A.C.P. lawyer," if she had looked at my face and said, "You look like Clarence Thomas" or Herman Cain or Ben Carson (Carson's goatee has, on occasion, been only a mustache). What if she had pinned me to a bootstraps mentality that rejects racism as a root of injustice, that believes you're your own responsibility? I would have felt cornered, I suppose. Personal accountability isn't nothing. This country just won't let it be all. The extant number of Black firsts, rares, onlys, nevers, not yet and not quites attests to that, as does the chronic too manys, too oftens and too soon.

I like to think that I would have absorbed her "Clarence Thomas" and regaled her with a separate lineage. I would have told her that I hail from a long line of family mustaches. Uncle Gene's made him look famous. Uncle Jack's got bushy after World War II and pretty much stayed that way. My grandmother's last husband, Jimmy, wore his in a style best described as "sharpened." How did she kiss that thing and not need stitches? Her first husband, my grandfather, kept his barely there. Both their sons had one. Her brother Marcellus liked his thin. My mother loved my stepfather's, because, well, she loved him. My father had his phases. Three of his brothers had them, too; the fourth, Uncle Bill, had an ascot — had you ever met Uncle Bill, you would conclude that the ascot essentially was a mustache.

It might just have been simpler to say who didn't have one than who did. I don't know what everybody's politics were, but as a clan, we were a Thanksgiving spread, a little of everything yet nothing so outrageous that the advancement for colored people would ever be off the table. These were workingmen, providers, not activists but voters, certainly. Their mustaches strike me now as a generational phenomenon. These people were all born between 1920 and 1950. Of their children, only my cousins Butchie and Kyle are describable as mustache men.

This is why I've kept mine. It's me squeezing my way into a parallel heritage. In this small sense, the work I do caring for it feels connected to a legacy of people who did and do the work chipping at and thinking with this nation. The good work.

Something obvious in just about any photograph taken of Black Americans during the civil rights era is how put-together everyone is. They wore to war what they wore to church. The country was watching. People got dressed up to withstand being put down. They dressed with full awareness that an outfit risked ruin: skirts twisted round, glasses cracked, ribbons undone, hair soaked, fabric stained with mustard, cream and blood. What hat didn't stand a good chance of permanent separation from its wearer? What fine pair of shoes didn't risk meeting its doom? A mustache, though? Hard to mar one of those. It was a magisterial vestige of elegance in defiance. It couldn't be snatched at or yanked. It held its ground, no matter how many times a nightstick or fist might attempt to remove it.

I look at those pictures and wonder about getting dressed — for contempt — about grooming oneself for it. Maintaining a mustache requires a surgical delicacy, a practiced lightness. I tend to save it for last, strenuously avoiding that part of a shave, for as delighted as I am by the sound of the scraping of the blade against my skin, some doubt never fails to creep into the mustache stage. It's a dismount, match point. *Can I close this out? Is this going to be the shave the mustache doesn't survive?* I have dreamed that I've lost it, that it just leapt off my face and I chased it around my house. Destroying it is always possible, but you're more likely just to turn it into something else, something you would be terrified to wear. Mine is actually a pre-emption. I go with the Denzel Washington in "Philadelphia" because I don't trust that I have the hands for the Denzel of "Devil in a Blue Dress."

This is also to say that, for the righteous and wayward alike, the process entails a disturbance of the line between vanity and knowledge of self. In 2018, Martin Luther King Jr.'s former barber, Nelson Malden, spoke to Alabama Public Radio about grooming King: "He was more concerned about his mustache than his haircut. He always liked his mustache to be up off the lip, like a butterfly. He would tell me, 'Make it like a butterfly this time.'"

It's grueling work, the business of becoming a butterfly. Long, ugly periods of churn and slog. But then you have this light, fluttering thing. It might have seemed inadequate — or incongruous, at least — for King to grip the sides of a lectern to tell congregants that they were all striving to bring the nation closer to embodying the hair beneath his nose. But when you know that he thought of his look as bespeaking a kind of weightlessness, you could also surmise that he knew the price of such flight might be life itself. He was trying to align the country with that mustache. We're not there yet. But we're working on it.

Make it like a butterfly next time. ♦

Speech

(Continued from Page 31)

contracts with an independent fact-checking network, which includes both The Associated Press and Check Your Fact, a subsidiary of the right-wing outlet The Daily Caller. Twitter does fact-checking internally. YouTube relies on a network of news organizations, including PolitiFact and The Washington Post Fact Checker.)

Fact-checking and labeling are First Amendment-friendly responses. They counter false speech with more speech, at the initiative of a private company, not the direction of the government. Today the research consensus among social scientists is that some fact-checking methods significantly reduce the prevalence of false beliefs. In print or on TV, journalists can use headlines or chyrons to provide context and debunking in real time — though they sometimes fail to do so.

Until very recently, Facebook and Twitter used mild labeling language. On Sept. 28, Trump tweeted: "The Ballots being returned to States cannot be accurately counted. Many things are already going very wrong!" In small blue print at the bottom of the post, Twitter added a warning symbol — a small exclamation point in a circle — along with the text "Learn how voting by mail is safe and secure." Facebook labeled the same post, suggesting that voters visit its "Voting Information Center" without including a warning symbol.

Kate Starbird, a professor of human-computer interaction at the University of Washington who tracks social media disinformation, called Facebook's label "worse than nothing." Adding a weak label to a Trump post mostly has the effect of "giving it an attention bump by creating a second news cycle about Republican charges of bias in content moderation," says Nathaniel Persily, a Stanford law professor and co-director of the university's Program on Democracy and the Internet.

Facebook has since updated its labels, based on tests and feedback, including from civil rights leaders. "The labels we have now, we have far more than we used to," says Monika Bickert, Facebook's vice president for content policy. "They've gotten stronger. But I would expect we'll continue to refine them as we keep seeing what's working." Facebook updated the label on Trump's Sept. 28 tweet to "Both voting in person and voting by mail have a long history of trustworthiness in the US and the same is predicted this year. Source: Bipartisan Policy Center." On an Oct. 6 Trump post with more falsehoods about voting, Facebook added an additional sentence to that label: "Voter fraud is extremely rare across voting methods." (Other labels, though, remain mild, and plenty of misleading content related to voting remains unlabeled.)

Angelo Carusone, the president of Media Matters for America, a nonprofit media watchdog group, finds the changes useful but frustratingly late. "We went from them refusing to touch any

of the content, an entire ocean of disinformation on voting and election integrity, and dismissal of any efforts to address that — to this. They let it metastasize, and now they start doing the thing they could have done all along.” Carusone also points out that independent researchers don’t have access to data that would allow them to study key questions about the companies’ claims of addressing disinformation. How prevalent are disinformation and hate speech on the platforms? Are people who see Facebook, Twitter and YouTube’s information labels less likely to share false and misleading content? Which type of warning has the greatest impact?

Twitter and Facebook reduce the spread of some false posts, but during this election season, Starbird has watched false content shared or retweeted tens of thousands of times or more before companies make any visible effort to address it. “Currently, we are watching disinformation go viral & trying desperately to refute it,” she tweeted in September. “By the time we do — even in cases where platforms end up taking action — the false info/narrative has already done its damage.”

Facebook came under intense criticism for the role it played in the last presidential race. During the 2016 campaign, Facebook later reported, Russian operatives spent about \$100,000 to buy some 3,000 ads meant to benefit Trump largely by sowing racial division. By choosing Facebook, a small investment had an outsize payoff as the site’s users circulated the planted ads to their followers. “Facebook’s scale means we’ve concentrated our risk,” says Brendan Nyhan, a political scientist at Dartmouth College. “When they’re wrong, they’re wrong on a national or global scale.”

Facebook and YouTube have treated political ads as protected speech, allowing them to include false and misleading information. Online ads — like direct mail and robocalls — can make setting the record straight very difficult. Online advertisers can use microtargeting to pinpoint the segments of users they want to reach. “Misleading TV ads can be countered and fact-checked,” while a misleading message in a microtargeted ad “remains hidden from challenge by the other campaign or the media,” Zeynep Tufekci, a sociologist at the University of North Carolina at Chapel Hill and the author of the 2017 book “Twitter and Tear Gas,” wrote in a prescient 2012 Op-Ed in *The New York Times*.

In this election season, domestic groups are adopting similar tactics. This summer, the Trump-aligned group FreedomWorks, which was seeded by the billionaire Koch brothers, promoted 150 Facebook ads directing people to a page with a picture of LeBron James. The image was accompanied by a quote, in which James denounced poll closures as racist, that was repurposed to deceive people into thinking he was discouraging voting by mail. After *The Washington Post* reported on it,

Facebook removed the page for violating its voter-interference policy, but only after the ads were seen hundreds of thousands of times.

Coordinated fake accounts posting about the election have also shown up on Twitter. In August, NBC News reported on a series of viral tweets that appeared to be from Black men who said they were lifelong Democrats and planned to leave the party. The accounts were fake; one used a stock photo of a Black man, and the other used a photo of a Dutch model. Twitter eventually took them down. The company recently said that as of Oct. 20, it is making more changes to protect the election, including temporarily warning users if they try to share content that the platform has flagged as false.

Another reason political ads are controversial online is that campaigns or groups that pay for them don’t have to disclose their identities, as they’re required to do on TV and radio and in print. “The First Amendment value of individual autonomy means we should know who is speaking to us and why,” the Rutgers law professor Goodman argues. But online, neither the Supreme Court nor Congress has stepped in to require disclosure.

Twitter banned political ads a year ago. This month, Facebook said it would temporarily ban political ads *after* the polls close on Nov. 3. Last month, the company took another step to protect the U.S. election. It restricted its Messenger app by preventing mass forwarding of private messages, which has done terrible damage in other countries. For several years, falsehoods that were forwarded from person to person, and from group to group, in private encrypted messages on WhatsApp sparked riots and fatal beatings against religious and ethnic minorities in countries including Bangladesh, India, Myanmar and Sri Lanka. In 2018, Facebook started limiting the forwarding of any post on WhatsApp to 20 people; now the limit is five for WhatsApp and Messenger.

As social media companies have tried to address the spread of disinformation and other toxic speech, conservatives including Trump have hurled a series of accusations that the companies are showing bias against them. In May, after Twitter first added labels that read “Get the facts about mail-in ballots” to two Trump tweets predicting mass ballot fraud, the president signed a largely symbolic executive order directed at social media sites, calling the platforms’ labels “selective censorship that is harming our national discourse.”

In February, *The Washington Post* reported on an internal effort by Facebook (called Project P, for propaganda) after the 2016 election to take down pages that spread Russian disinformation. The project foundered after Joel Kaplan, Facebook’s vice president for global public policy, reportedly said at a high-level meeting, “We can’t remove all of it because it will disproportionately affect conservatives,” according to a source at Facebook who

spoke to *The Post* anonymously. In an email this month, a Facebook representative said Kaplan’s point about Project P was that the company “needed a clear basis for the removal because the impact would be felt more on the right than the left, and we would face criticism.”

Kaplan has deep Republican ties. He was present at the so-called Brooks Brothers Riot in Florida shortly after the contested presidential election in 2000, when a group of Republicans in suits succeeded in stopping a recount of ballots to the benefit of their candidate, George W. Bush. In 2018, he sat behind his close friend Brett Kavanaugh during Kavanaugh’s confirmation hearing for the Supreme Court. (Kaplan apologized after some of his employees objected that his appearance seemed like a Facebook endorsement of Kavanaugh.)

Facebook employees have also raised questions about whether Facebook’s misinformation policy is enforced evenhandedly. According to the policy, publications and individual users will receive a “misinformation strike” for a post that a fact checker determines is false or misleading. A publication with multiple misinformation strikes in 90 days is supposed to lose its eligibility to be in Facebook News, a curated section that generates traffic for publications. (The *New York Times* is in Facebook News.) In August, BuzzFeed reported that at an all-hands meeting the previous month, Facebook employees asked Zuckerberg how Breitbart News remained a news partner after sharing the video in which doctors called hydroxychloroquine “a cure for Covid” and said “you don’t need a mask.” Through Breitbart’s page, the video racked up more than 20 million views in several hours before Facebook removed it. Zuckerberg said Breitbart didn’t have a second strike within the 90-day period.

But in an internal message group, employees wrote that misinformation strikes against Breitbart had been “cleared without explanation,” and gathered evidence of “preferential treatment” to help conservative accounts in these situations, according to BuzzFeed. One of the employees was later fired; Facebook said it was because “he broke the rules.” When I spoke to Bickert, she said Breitbart was cleared by her team because of “glitches” in Facebook’s system, such as not accurately notifying the publisher. This has happened “to publishers on the left and the right,” Bickert said.

In the last two years, employees have left Facebook sounding an alarm. In 2019, Yael Eisenstat resigned from her role as Facebook’s head of elections integrity after failing to persuade the company to combat misinformation in political ads. In a November op-ed in *The Washington Post*, she called on the company to stop profiting “from providing politicians with potent information-warfare tools.” Resigning from Facebook this summer, two software engineers, Max Wang and Ashok Chandwaney, separately accused the company of “profiting from hatred.” Sophie Zhang, a data scientist who was fired from Facebook

in September, wrote a 6,600-word memo with details about disinformation campaigns she found to influence elections in countries including Ecuador, Honduras and Ukraine. “I have blood on my hands,” she wrote.

John Stuart Mill wrote a century and a half ago that “All silencing of discussion is an assumption of infallibility.” There is still plenty of reason to believe that moving away from the American free-speech tradition could make us too quick to dismiss apparently false ideas that turn out to have merit — and that airing them is the only way to find out. At Howard University’s commencement in 2016, President Barack Obama warned students against pushing colleges to disinvite speakers, “no matter how ridiculous or offensive you might find the things that come out of their mouths.” Instead, he told them, “beat them on the battlefield of ideas.”

In the last several years, however, some liberals have lost patience with rehashing debates about ideas they find toxic. The American Civil Liberties Union celebrated its decision in 1977 to defend the free speech rights of Nazis to march in Skokie, Ill. Forty years later, some lawyers and board members for the A.C.L.U. objected when the group defended the neo-Nazis who demonstrated in Charlottesville, Va.

Cancel culture — subjecting people to professional or social penalties for their views — has unsettled universities and workplaces. Liberal students have shouted down conservative speakers including Charles Murray and Christina Hoff Sommers. Conservatives have also condemned speakers and academics, for example, for supporting Palestinian rights. The New York Times’s decision this summer to publish an Op-Ed in which Senator Tom Cotton called for sending in federal troops to crack down on protests against the police roiled the paper’s staff. Citing a “significant breakdown in our editing processes,” the publisher, A.G. Sulzberger, announced the resignation of the editorial-page editor, James Bennet.

The First Amendment doesn’t have a formal role in these situations — newspapers and universities can decide which views they want to promote — but the principle that it’s paramount to protect dissident speech makes them difficult to untangle. If people have the right to peacefully protest against the police, don’t neo-Nazis have the same right to peacefully demonstrate? Why is Tom Cotton’s Op-Ed beyond the pale but not an October Op-Ed by Regina Ip, a legislator in Hong Kong, who defended police officers’ filling the streets and arresting hundreds of pro-democracy demonstrators?

The principle of free speech has a different shape and meaning in Europe. For the European Union, as well as democracies like Canada and New Zealand, free speech is not an absolute right from which all other freedoms flow. The European high courts have allowed states to punish

incitements of racial hatred or denial of the Holocaust, for example. Germany and France have laws that are designed to prevent the widespread dissemination of hate speech and election-related disinformation. “Much of the recent authoritarian experience in Europe arose out of democracy itself,” explains Miguel Poiarés Maduro, board chairman of the European Digital Media Observatory, a project on online disinformation at the European University Institute. “The Nazis and others were originally elected. In Europe, there is historically an understanding that democracy needs to protect itself from anti-democratic ideas. It’s because of the different democratic ethos of Europe that Europe has accepted more restrictions on speech.”

After World War II, European countries also promoted free speech, and the flow of reliable information, by making large investments in public broadcasting. Today France TV, the BBC, ARD in Germany and similar broadcasters in the Netherlands and Scandinavia continue to score high in public trust and audience share. Researchers in Germany and France who have mapped the spread of political lies and conspiracy theories there say they have found pockets online, especially on YouTube, but nothing like the large-scale feedback loops in the United States that include major media outlets and even the president.

The difference between the political-speech traditions of the United States and Europe was acutely apparent in the American and French presidential elections of 2016 and 2017. When Russian operatives hacked into the computers of the Democratic National Committee, they gave their stolen trove of D.N.C. emails to WikiLeaks, which released the emails in batches to do maximum damage to Clinton and her party in the months before the election. The news media covered the stolen emails extensively, providing information so the public could weigh it, even if a foreign adversary had planted it.

The French press responded otherwise to a Russian hack in May 2017. Two days before a national election, the Russians posted online thousands of emails from En Marche!, the party of Emmanuel Macron, who was running for president. France, like several other democracies, has a blackout law that bars news coverage of a campaign for the 24 hours before an election and on Election Day. But the emails were available several hours before the blackout began. They were fair game. Yet the French media did not cover them. Le Monde, a major French newspaper, explained that the hack had “the obvious purpose of undermining the integrity of the ballot.”

Marine Le Pen, Macron’s far-right opponent, accused the news media of a partisan cover-up. But she had no sympathetic outlet to turn to, because there is no equivalent of Fox News or Breitbart in France. “The division in the French media isn’t between left and right,” said Dominique Cardon, director of the Media Lab at the university Sciences

Po. “It’s between top and bottom, between professional outlets and some websites linked to very small organizations, or individuals on Facebook or Twitter or YouTube who share a lot of disinformation.” The faint impact of the Macron hack “is a good illustration of how it’s impossible to succeed at manipulation of the news just on social media,” said Arnaud Mercier, a professor of information and political communication at the University Paris 2 Panthéon-Assas. “The hackers needed the sustainment of the traditional media.”

The challenge of informing the public accurately about the coronavirus has also played out differently in the U.S. and Europe. In March, the World Health Organization appealed for help with what it called an “infodemic.” Facebook, YouTube, Twitter and others pledged to elevate “authoritative content” and combat misinformation about the virus around the world.

But in August, the global activist group Avaaz released a report showing that conspiracies and falsehoods about the coronavirus and other health issues circulated on Facebook through at least May, far more frequently than posts by authoritative sources like W.H.O. and the Centers for Disease Control and Prevention. Avaaz included web traffic from Britain, France, Germany and Italy, along with the United States, and found that the U.S. accounted for 89 percent of the comments, likes and shares of false and misleading health information. “A lot of U.S.-based entities are actually targeting other countries with misinformation in Italian or Spanish or Portuguese,” said Fadi Quran, the campaign director for Avaaz. “In our sample, the U.S. is by far the worst actor.”

America’s information crisis was not inevitable. Nor is it insoluble. Whatever the Supreme Court does, there’s no legal barrier to increasing the delivery of reliable information. The government, federal or state, could invest in efforts to do exactly that. It could stop the decline of local reporting by funding nonprofit journalism. It could create new publicly funded TV or radio to create more alternatives for media that appeals across the ideological spectrum. The only obstacles to such cures for America’s disinformation ills are political.

Last spring, when Twitter started labeling Trump’s misleading and false tweets about voting fraud, he called for revoking Section 230 of the 1996 Communications Decency Act, which Congress wrote in an early stage of the internet to help it grow. Section 230 effectively makes internet platforms, unlike other publishers, immune from libel and other civil suits for the content they carry. Biden also called for revoking Section 230 in January, citing Facebook for “propagating falsehoods they know to be false.”

Taking away the platforms’ immunity, however, seems like a bad fit for the problems at hand. The threat of being sued for libel could encourage platforms to avoid litigation costs by preemptively taking down

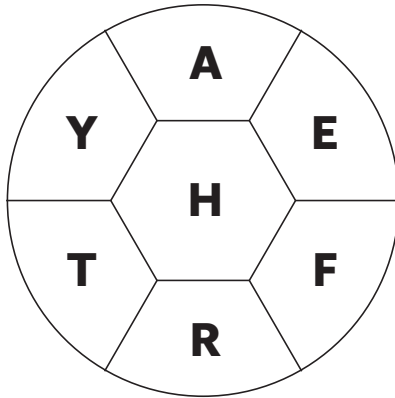
(Continued on Page 45)

SPELLING BEE

By Frank Longo

How many common words of 5 or more letters can you spell using the letters in the hive? Every answer must use the center letter at least once. Letters may be reused in a word. At least one word will use all 7 letters. Proper names and hyphenated words are not allowed. Score 1 point for each answer, and 3 points for a word that uses all 7 letters.

Rating: 12 = good; 20 = excellent; 28 = genius

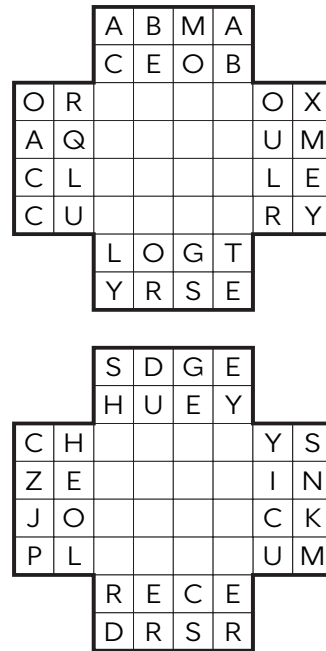


Our list of words, worth 33 points, appears with last week's answers.

CRAZY EIGHTS

By Patrick Berry

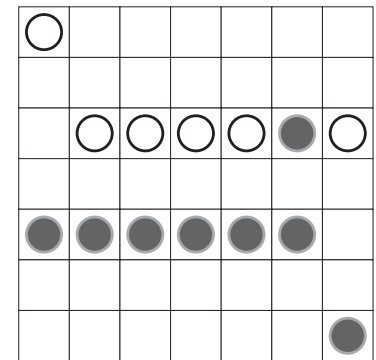
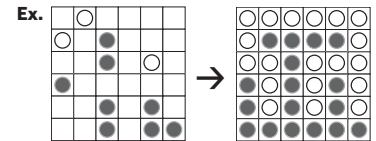
Fill the empty spaces to form eight-letter words reading Across and Down.



YIN-YANG

By Wei-Hwa Huang

Put a white or dark circle in each cell so that all the white circles are connected along their edges in an unbroken chain and all the dark circles are connected along their edges in an unbroken chain. No two-by-two set of cells can be all white or all dark.



DIAGRAMLESS

By Alex Eaton-Salners

This diagramless is 17 squares wide by 17 squares deep and has left/right symmetry. The first square across is given with last week's answers.

ACROSS

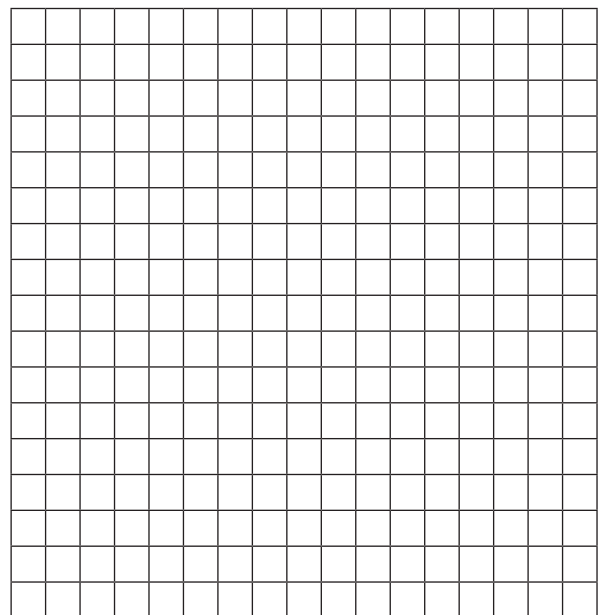
- 1 *Bit of pool table artistry
- 10 1960s British music
"invasion"
- 12 Device that measures
change in velocity
- 14 "Peacock" network
- 15 Melodic songbirds
- 16 Sleep stage, for short
- 18 Wiimote batteries
- 19 Seven up, e.g.
- 20 Give a bad review
- 22 A.C. measure
- 23 Classic English roadsters
- 24 Earth-friendly: Prefix
- 25 Rowboat rower
- 26 "That's the spot!"
- 27 Canterbury can
- 28 Food safety org.
- 30 *"... unless I'm mistaken"

- 32** Idris who played Nelson Mandela
- 33** Supposed bringer of a bundle of joy
- 36** Stamp on a stamp
- 39** Inhaler target
- 40** Female surfer
- 41** *Show no respect to
- 45** Light brews
- 46** Greeting in Rio
- 48** Mole, e.g.
- 49** Computer pioneer Lovelace
- 52** Struggles with sibilance
- 55** Take his word for it!
- 57** Coming-of-age ritual
- 61** France's last emperor
- 62** Celebration hinted at by the starts of the answers to the starred clues

DOWN

- 1** Private eye, in dated slang

- 2 Issa of "Insecure"
- 3 "___ never work!"
- 4 It might be left in the dust
- 5 Figure skater Nancy
- 6 Place to buy tobacco
- 7 Overactors
- 8 Digit starting any teen
- 9 Woodland songbird
- 10 Email add-on
- 11 ___ Lingus
- 12 Most off-the-wall
- 13 Insect spray
- 14 ___ Fatale of "The Rocky and Bullwinkle Show"
- 17 Fit for a King?
- 18 More or less
- 21 Tennis champ Djokovic
- 29 Field of an observatory:
Abbr.
- 30 Preach, e.g.
- 31 Health club amenity
- 32 Qatari monarch
- 34 It was "rocked" in a 1982
Clash hit
- 35 Actor Epps
- 37 Marquis de ___
- 38 "Really, it's back?"
- 42 Singalong syllables
- 43 Mischievous sprite



- 44 Mary __ cosmetics
46 No longer in use
47 Security interest
50 Place to get cold cuts
51 The Braves, on
scoreboards
53 Egg, larva, __, imago

- 54 Mil. plane for short
runways
- 55 Painter Magritte
- 56 Annual theater award
- 58 The whole kit and caboodle
- 59 Modern: Prefix
- 60 Drag along

Speech

(Continued from Page 43)

content once someone challenges it. Some of that content would be disinformation and hate speech, but other material might be offensive but true — a risk of overcensorship.

But there's another idea with bipartisan support: Make the platforms earn their immunity from lawsuits. The Rutgers law professor Goodman and others have proposed using Section 230 as leverage to push the platforms to be more transparent, for example, by disclosing how their algorithms order people's news feeds and recommendations and how much disinformation and hate speech they circulate. A quid pro quo could go further, requiring the companies to change their algorithms or identify super-spreaders of disinformation and slow the virality of their posts. To make sure new media sites can enter the market, the government could exempt small start-ups but impose conditions on platforms with tens of millions of users.

Congress, as well as the Justice Department, can also promote competition through antitrust enforcement. In early October, the House Judiciary's Committee's Democratic leadership released a 449-page report, based on an extensive investigation, that said Facebook, Google, Amazon and Apple have monopoly power in their markets like that of the "oil barons and railroad tycoons" of the early 20th century. "Because

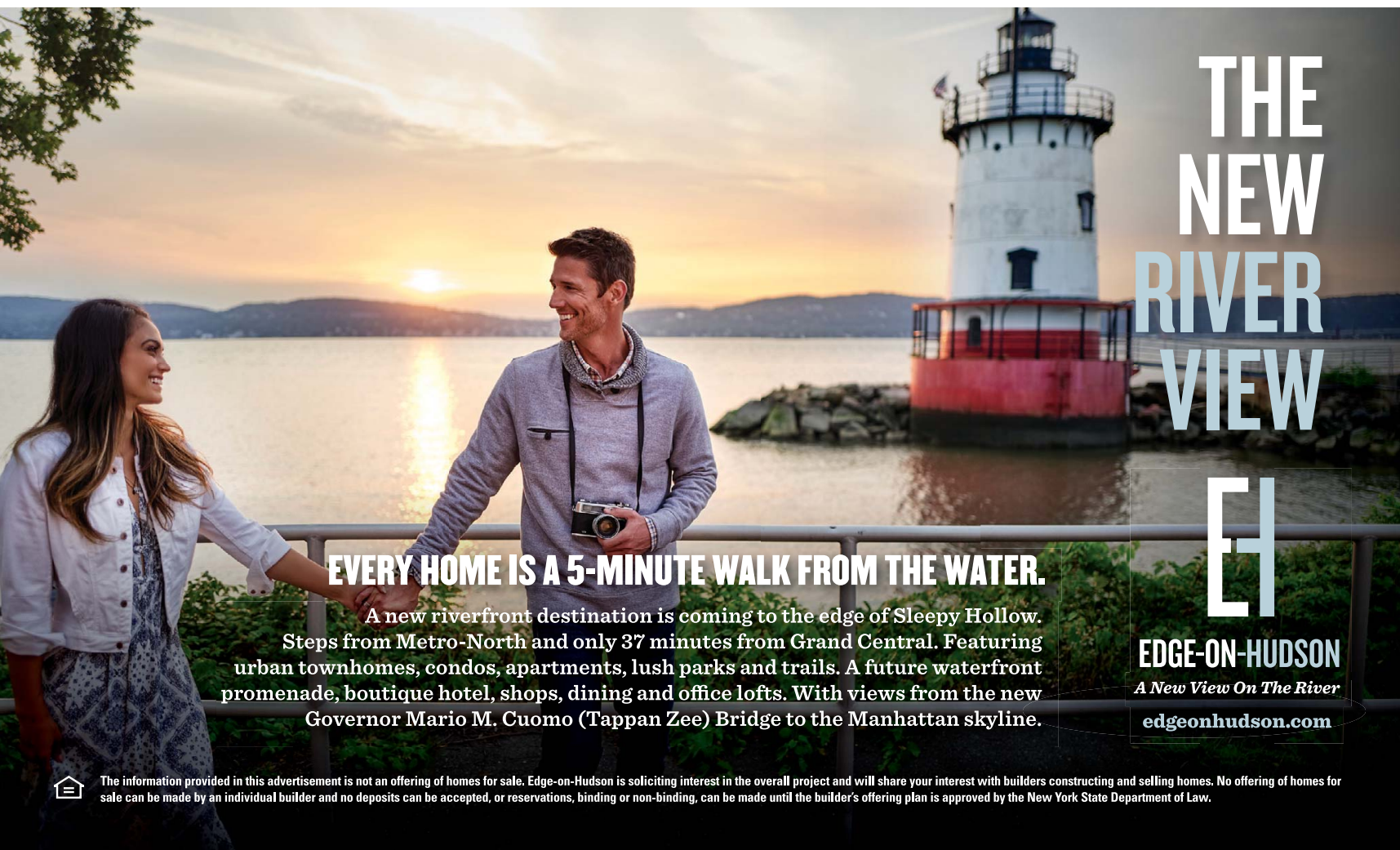
there is not meaningful competition, dominant firms face little financial consequence when misinformation and propaganda are promoted online," the report stated.

There are plenty of ideas, and bills, floating around Washington that seek to improve the online speech environment — like the giant step of using antitrust law to break up the big tech companies, or medium-size steps like banning microtargeted political ads, requiring disclosure of the ad buyers, making the platforms file reports detailing when they remove content or reduce its spread. But the United States may miss the chance to lead. To fend off regulation and antitrust enforcement, the internet platforms spend millions of dollars on lobbying in Washington. They align their self-interest with a nationalist pitch, warning that curbing America's homegrown tech companies would serve the interests of Chinese competitors like TikTok.

Europe, however, doesn't have a stake in the dominance of American tech companies. Policymakers talk about the importance of maintaining the health of their democracies. "We see how the money of advertisers for extreme speech is shifting from the traditional media to digital media," Věra Jourová, the vice president for values and transparency at the European Commission, told me this summer. "Google and Facebook are the big suckers of this money." Among other things, Jourová

mentioned regulating the platforms' algorithms. "These issues here are not driven by big money like they are in the U.S., or by regressive ideas as in a state like China," she said. Maduro of the European Digital Media Observatory has proposed treating the platforms like essential facilities, the European version of public utilities, and subjecting them to more regulation. Senator Elizabeth Warren, the Massachusetts Democrat, has outlined a similar idea in the U.S. It would be a huge shift.

As we hurtle toward the November election with a president who has trapped the country in a web of lies, with the sole purpose, it seems, of remaining in office, it's time to ask whether the American way of protecting free speech is actually keeping us free. Hannah Arendt finished her classic work on totalitarianism in the early 1950s, after barely escaping Germany with her life, leaving friends and homeland behind. She was a Jewish intellectual who saw the Nazis rise to power by demonizing and blaming Jews and other groups with mockery and scorn. The ideal subject of fascist ideology was the person "for whom the distinction between fact and fiction (i.e. the reality of experience)," Arendt wrote, "and the distinction between true and false (i.e. the standards of thought) no longer exist." An information war may seem to simply be about speech. But Arendt understood that what was at stake was far more. ♦



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TITLE BASIN'

By Miriam Estrin

Miriam Estrin is a native of St. Louis, now living in London. She works for Google as a policy manager dealing with international laws and regulations on access to information. After graduating from Yale Law School, she spent four years at the U.S. State Department. Miriam started constructing crosswords a year ago after reading The Times's online series "How to Make a Crossword Puzzle." This is her second puzzle for the paper and her first Sunday. — W.S.

ACROSS

- 1 Dinosaur in the Mario games
- 6 Titular film character opposite Harold
- 11 Something offered in tribute
- 16 ___ Martin DB5 ("Bondmobile")
- 17 Knock-down-drag-out fights
- 21 Nudge
- 22 Barack, Michelle, Hillary and Bill took them, for short
- 23 *Yann Martel's baking memoir?*
- 24 Have heart eyes for
- 25 Member of Britain's upper house
- 26 Tone—
- 27 Shunned, with "out"
- 29 "Don't get ___!"
- 30 *F. Scott Fitzgerald's chivalric tale?*
- 36 Just like that
- 38 Zaps, as leftovers
- 39 Brainstorms
- 42 Messes (with)
- 43 Follower of "Je m'appelle"
- 44 What a figure skate has that a hockey skate lacks
- 45 "___ you seeing this?"
- 46 *Voltaire's sweet novel?*
- 50 Scan that excites hydrogen atoms, for short
- 51 Can't keep one's mouth shut?
- 54 Alternative to de Gaulle
- 55 Debussy's "___ d'Étoiles"
- 57 Prepare to go next
- 59 "You're making me blush!"
- 61 Lived (with)
- 63 *Marcel Proust's kitchen mystery?*
- 70 Trouble
- 71 I
- 72 "That's ___!" (director's cry)
- 73 Halloween vis-à-vis Nov. 1
- 74 "Yeesh!"
- 76 One of six parked on the moon
- 78 Nasty, in a way
- 79 Author Ferrante

- 81 Neutral paint color

- 82 Break

- 85 Societal problem

- 86 "When They See Us" director DuVernay

- 89 Big e-commerce site

- 90 *Antoine de Saint-Exupéry's pet story?*

- 95 Guarantees

- 97 [Doh!]

- 100 Semibiographical source for "Citizen Kane"

- 101 Small trunks

- 105 Certain red wine

- 107 Trap

- 109 Had a friendly relationship (with)

- 110 "___ is a wonderful thing if one does not have to earn one's living at it": Einstein

- 111 "Revenge ___ dish..."

- 112 *William Shakespeare's historical romance?*

- 115 Gives one's seal of approval

- 116 Woman's name that's a piece of furniture backward

- 117 Classical singing venue

- 118 Beat

- 119 Call to reserve?

- 120 The final installment of "The Godfather"

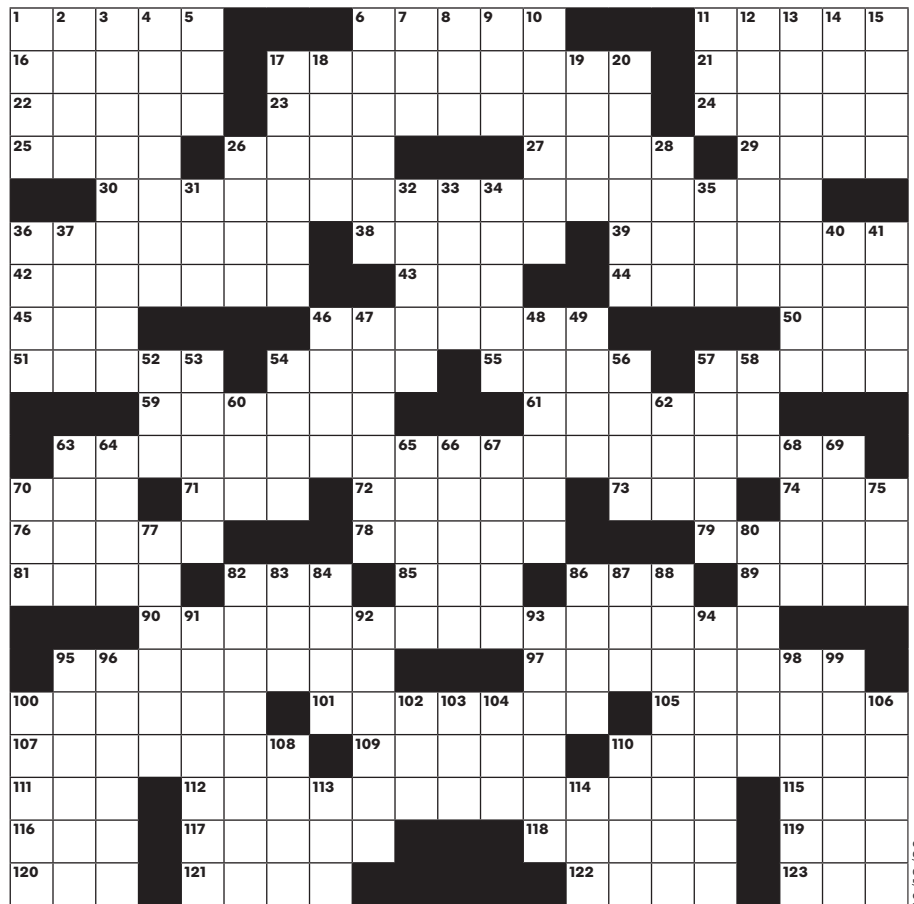
- 121 Bit of coffee

- 122 Sierra Nevadas, e.g.

- 123 Word that can precede or follow "run"

DOWN

- 1 "___ ready for this?" (opening of a pump-up jam by 2 Unlimited)
- 2 Part of an Italian veal dish name
- 3 Go back to Square 1
- 4 Share a workspace, in modern lingo
- 5 Helpful connections
- 6 Breakfast order
- 7 Long period
- 8 What a weather balloon might be mistaken for
- 9 Letters on the "3" button
- 10 Catches a glimpse of



- 11 What Mrs. Potts and Chip serve in "Beauty and the Beast"

- 12 Brit's term of affection

- 13 "Finally!"

- 14 Resolve, with "out"

- 15 Precious, to a Brit

- 17 Goes undercover?

- 18 Heated accusation

- 19 Sound effect during a bomb defusing, perhaps

- 20 "I watched that episode already"

- 26 Critical time

- 28 Queen who made Carthage prosper

- 31 Pittsburgh-to-Buffalo dir.

- 32 Fair forecast

- 33 Beat in a boxing match, in a way

- 34 Corral

- 35 Command for a right turn, in mushing

- 36 "It's possible"

- 37 "You've Got Mail" director Ephron

- 40 Neutral paint color

- 41 Sound like a broken record

- 46 Shoe with holes

- 47 Top dogs

- 48 Subject of Rick Steves's travel guides

- 49 God, in Guadalajara

- 52 Bullet alternatives: Abbr.

- 53 Utter

- 54 Como ningún ___ (unique, in Spanish)

- 56 Pledge-drive gift

- 57 Giggle

- 58 Dreyer's ice-cream partner

- 60 ___ Harbor, first official port of entry to the United States

- 62 Channel that aired "Daria" and "The Hills"

- 63 Fan-mail recipient

- 64 Exploding star

- 65 Take pride in something

- 66 Ruffle

- 67 What can take a punch?

- 68 ___ & Chandon (Champagne)

- 69 Long periods

- 70 Little bowwow

- 75 Wray of "King Kong"

- 77 Nonresident doctor

- 80 Lead role on "Parks and Recreation"

- 82 Writer Stein

- 83 Green and others

- 84 Sets (against)

- 86 The Amazons were the daughter of this god, in myth

- 87 By way of

- 88 Director's cry

- 91 Is employed

- 92 Movie with the line "I feel the need ... the need for speed"

- 93 Dials

- 94 Some concert tour merchandise

- 95 Martial arts master

- 96 Sushi condiment

- 98 Traitor in the Revolutionary War

- 99 Warehouse employee

- 100 "S.N.L." cast member Gardner

- 102 Lover of Orion, in myth

- 103 8-Down pilots, in brief

- 104 Forest grazer

- 106 Full of spice

- 108 Where Zeno taught

- 110 Children's poet Silverstein

- 113 ___ beam

- 114 Place for a shvitz

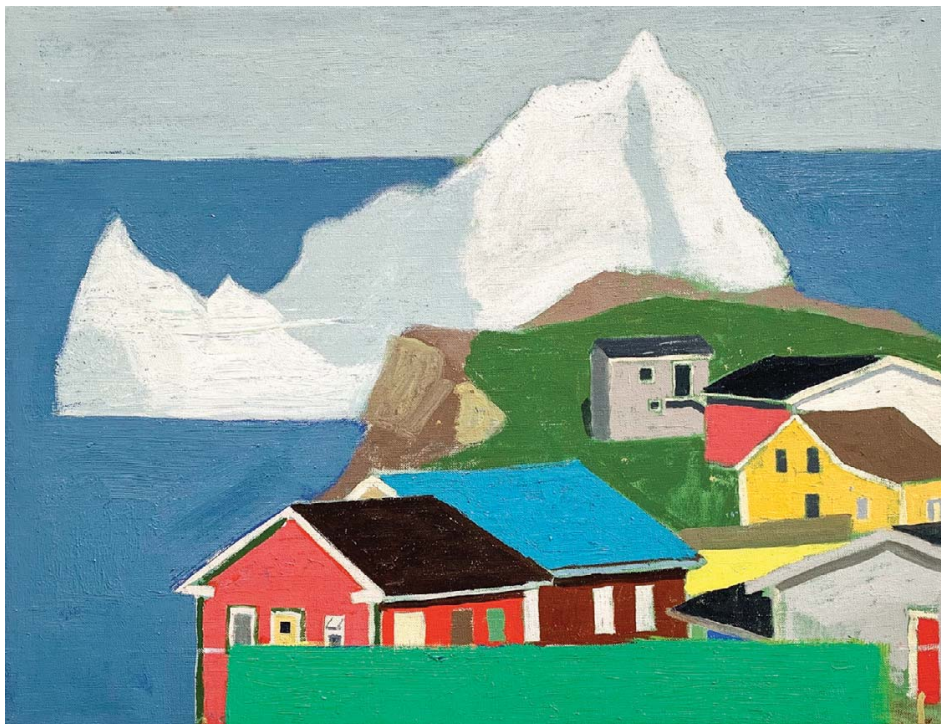
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Top: **Three Chairs (De Psis)**, 2020, 24 x 30 inches, oil on linen, \$12,000. Above: **Iceberg (St. John's)**, 2020, 20 x 26 inches, oil on linen, \$9,500.

Mitchell Johnson of Menlo Park, California—an American Academy in Rome Visiting Artist (2015) and a Josef and Anni Albers Foundation Artist in Residence (2007)—is the subject of the monograph, *Color as Content*, and the documentary film, *The Artist of Silicon Valley*. Johnson's color- and shape-driven paintings are known for their very personal approach to color and have been exhibited in Milan, New York, San Francisco, and Los Angeles. Johnson divides his time between his favorite painting locations in Europe, New England, New York City, Asia, and California. His paintings are in the collections of 28 museums and over 600 private collections. The most recent museum acquisitions were by Museo Morandi in Bologna, Virginia Museum of Fine Arts, Tucson Museum of Art, and Crocker Art Museum in Sacramento. Johnson moved to the Bay Area in 1990 after finishing his MFA at Parsons in New York.



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